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du bas du fleuve St Laurent*

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RETURN

(No. 63)

TO AN ADDRESS FROM THE
LEGISLATIVE ASSEMBLY

DATED THE 20TH MAY, 1882,

PRAYING THAT

HIS HONOUR THE LIEUTENANT-GOVERNOR

WILL CAUSE TO BE LAID BEFORE THIS HOUSE:

Report of Deputy Surveyor Bouchette on the pretended legal claims of the
Seigniors of *Terra Firma* of Mingan, with the chart which
accompanies it.

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Printed by order of the Legislative Assembly.

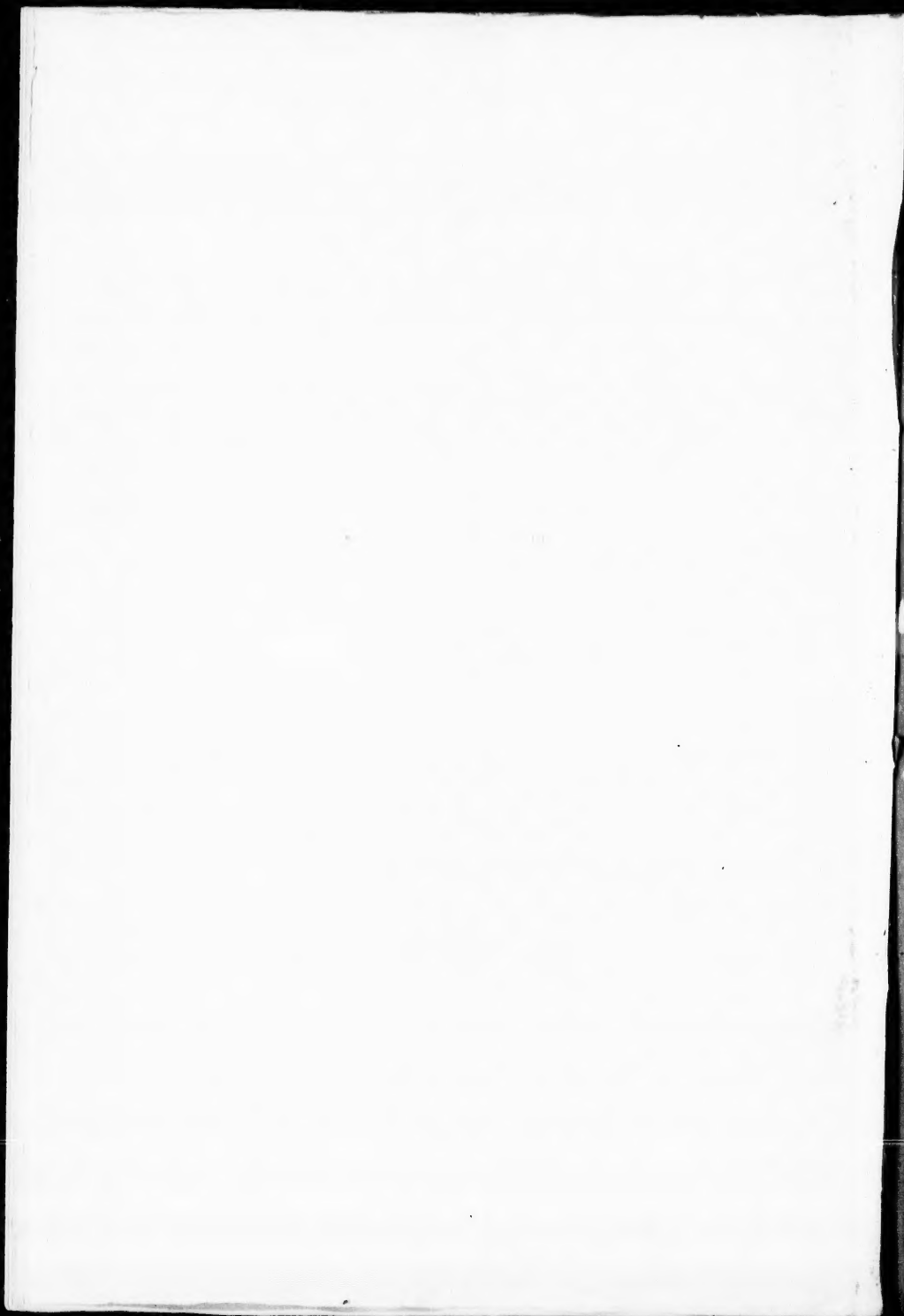


QUEBEC

CHARLES-FRANÇOIS LANGLOIS

PRINTER TO HER MOST EXCELLENT MAJESTY THE QUEEN.

1882



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To an address from the Legislative Assembly, dated the 20th May, 1882,
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ET. THÉOD. PAQUET,

Secretary.

SECRETARY'S OFFICE,
Quebec, 23rd May, 1882. }

TRACT of lands situate on the north shore of the River and Gulf of St. Lawrence, County of Saguenay, claimed by the Honourable J. J. C. Abbott, and other co-proprietors with the heirs Richardson, under the designation of the Seigniorship of Mingan.

DEPARTMENT OF CROWN LANDS.

PROVINCE OF QUEBEC,

QUEBEC, 30th November, 1867.

(MEMORANDUM PREPARED IN PURSUANCE OF THE ORDER OF THE COMMISSIONER, DATED 16TH OCTOBER, 1867.)

The only official record of such a seigniorship as the Seigniorship of Mingan in this Department, which contains the records and documents of the late Surveyor-General's office, dating as far back as the cession of Canada by France to Great Britain in 1763 is now the schedule (cadastre) of the Seigniorship of *Terra Firma* de Mingan, "No. 108," dated 23rd January 1864, which, among other certain schedules (cadastres) of the seigniorships in Lower Canada, prepared by the Commissioners under the Seigniorial Tenure Act, 41st chapter of the Consolidated Statutes for Lower Canada, were deposited in this Department, in conformity with the 68th clause of the Registration of Titles Act.

According to the said schedule the Seigniorship of *Terra Firma* de Mingan extends from Cape Cormorant to the River Goznish, fifty leagues front by the depth of two leagues, containing an area of 705,400 arpents, and is bounded as follows: "*Par devant au Fleuve St. Laurent et en profondeur et des deux côtés au Domaine Public.*"—(In front by the River St. Lawrence, and in rear and on both sides by the Crown Domain.)

In 1866 certain tracts of land, situate at the mouth of the River Natashquan, on the north shore of the Gulf of St. Lawrence, and accordingly lying in that part of the Crown Domain, east of the said River Goznish, or Goyuish, or Agnanius, according to Admiral Bayfield's charts, of the River and Gulf of St. Lawrence, and therefore beyond and east of the Eastern

limit of the said Seigniori of *Terra Firma* de Mingan, described on the Seigniorial Schedule above mentioned—were surveyed and laid off into blocks, at the instance of Messieurs. George Duval and J. Langlois, and six others, for the purchase thereof under the Departmental Regulations, dated 13th July, 1866. The Proces Verbal and plan of the survey performed by Mr. P. L. S. Casgrain, being, agreeably to the 4th article of said Regulations, filed and deposited with the application for purchase in this Department.

Currently with the preparation of the necessary description and plan for the erection of a limited tract of the Crown lands in the locality comprising the lands applied for, and although the township accordingly projected, prior to the issue of the proclamation to erect the same under the designation of the Townships of Duval, is not conterminous with the Seigniori of *Terra Firma* de Mingan, there being an intervening space of Crown lands of about sixteen miles front on the Gulf of St. Lawrence, extending from the mouth of the River Goznish or Goynish, to the mouth of the River Natashquan, it was deemed expedient, while being agreeable to the rule in practice in this Department, to notify the proprietors mentioned in the Seigniorial Schedule aforesaid, to establish in due form of law, the boundaries of their Seigniori, in conformity with title-deeds by them produced, as required by the provisions of the 30th clause of the 77th chapter of the Consolidated Statutes of Canada, to the surveyors, one to be named by the Seigniors and co-proprietors, and the other to be named by the Crown.

To that effect this Department on the 31st January last addressed a letter to Colonel Denny (Colonel Dennis as first directed,) said to be one of the co-heirs of the late Honorable John Richardson, resident in England, the receipt of which was acknowledged by T. B. Anderson, Esquire, another of the co-heirs or proprietors of the Seigniori of Mingan, residing at Montreal, to whom it had been sent by that gentleman as intimated in Mr. Anderson's letter to this Department dated 15th March last.

The Honorable J. J. C. Abbott, as proprietor of ten sixteenths of the Seigniori of Mingan, in his letter of the 29th of March last, informs this Department that he entirely concurs in the statements and representations contained in Mr. Anderson's letter addressed to this Department on the sub-

ject of the Seignior of Mingan, as to the eastern boundary, after a thorough investigation of the titles and instruments appertaining thereto, &c., &c.

The Honorable Mr. Abbott in his letter, under date 30th April last, in reply to the Departmental letter of the 16th previous, apprizes the Department that he has been entrusted by the heirs Richardson, and his other co-proprietors of the said Seignior of Mingan, with the task of preparing a memorial of their claims, and of the titles and instruments upon which it rests, &c.

A reasonable lapse of time having been allowed, especially as the season for field operations was favorable, this Department on the 12th June last, reminded Mr. Abbott of the promised memorial on the subject of the claim of the Co-proprietors of the Seignior of Mingan, to which no answer being returned, the Department addressed Mr. Abbott again on the 18th of September, stating the urgent necessity there was of establishing and erecting certain townships in the locality.

The Honorable Mr. Abbott in his letter of the 19th ultimo, in reply refers the Department to Mr. Okill Stuart and Mr. Errol B. Lindsay of Quebec, who each represent the present owners of one-fourth of the Seignior, and to E. A. Prentice of Montreal to whom, he understands, the heirs Richardson have assigned their rights; Mr. Weir of Flamborough West, and Mr. Blackwood of London, England, the present owners of the remaining fourth, &c.

H. O. Andrews, Esquire, of Montreal, as representing Mrs. Andrews, one of the heirs of the late Honorable John Richardson, in his letter dated the 20th ult., informs this Department that the Honorable Mr. Abbott has communicated to him the Departmental letter of the 18th ult., at the same time submitting his remarks respecting that letter.

Of those remarks one appears most entitled to special notice, as bearing upon the object desired by this Department in its notification to the co-proprietors of the Seignior of *Terra Firma* de Mingan, described in the Seigniorial Schedule, namely, that the grant of the Seignior of Mingan is

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of great antiquity, and its limits and boundaries well established by the title and charts *in the possession of the Government, to which easy reference can be had.*

As has already been premised, the only record of such a Seigniority as that of *Terra Firma* de Mingan, is Seigniorial Schedule No. 108, deposited as already stated, in this Department. But the proprietors according to Mr. Anderson's letter, (No. 2) while readily concurring in the desire of the Department to establish the eastern boundary of the Seigniority, and desiring him to express their entire willingness to take immediate steps to fix upon the exact point at which the eastern line is to be drawn, most respectfully but earnestly *protest against the pretensions contained in the Schedule in question*, as despoiling them of a large portion of their property, and the part of which they should be unjustly deprived, is in reality the most valuable.

According to the Schedule, the eastern limit or boundary of the Seigniority of *Terra Firma* de Mingan is placed at the River Goznish, which I easily identified as the River Aguanus, represented in Bayfield's charts of the River and Gulf of St. Lawrence, being in longitude (on corrected charts) $62^{\circ} 08'$ West from Greenwich, and situated about five (5) leagues west of the River Natashquan, and 152 miles due East from Cape Cormorant; but according to the same letter, the proprietors aforesaid claim the Bay des Esquimaux as the eastern limit of the Seigniority de Mingan, where they would fix the division line in latitude $57^{\circ} 40'$ west, presenting an additional breadth on the coast of Labrador, embracing $4^{\circ} 28'$ of longitude, equal to about 198 statute miles east of the said River Aguanus, forming an aggregate breadth perpendicular to the meridian, of about 350 statute miles, or 117 leagues nearly, which, multiplied by the depth of two leagues given in the schedule, constitutes a total area of 1,366,400 acres, equal to about 1,616,500 arpents in superficies,—and therefore an excess of about 912,000 arpents over and above the area stated in the schedule in question: whilst the frontage presented by the numerous deep Bays and indentions of the Gulf shore, added to the north-easterly bearing of the general line of coast, from Seal Net Point to the Bay des Esquimaux, inclusive, as the stated longitude of the eastern boundary of the Seigniority would indicate, does not fall short of 450 miles.

The claims of the heirs Richardson being thus brought before the Department in the clear and explicit manner contained in the letters hereinabove mentioned from the co-proprietors, in reply to the notification given them for the survey, or those of them with whom the Department has corresponded on the subject of the required bornage of the Seignior of *Terra Firma* de Mingan, described in the schedule aforesaid, in which desire it is proper to remark, that the proprietors have unexceptionally acquiesced. It now becomes necessary whilst complying with their expressed wish, previous to any action in the field, to enter in a full enquiry and investigation of the title of the Seignior of Mingan thus claimed, and to effect a just and searching examination of any records in the possession of the Government Department, relating to any title substantiating the existence of the Seignior of *Terra Firma* de Mingan, described in the schedule No. 108, or of all ancient ordinances, edicts, acts of "Foi et Hommage," judgments, &c., having reference to any concessions of the lands so claimed, that may have been published by authority of the Legislature or any instruments, deeds, referred to in the titles of the co-proprietors hereinabove mentioned in support of their claims to the territory in question.

According to the following extract from the highly important report of the law officers of the Crown, signed N. F. Belleau, Acting Attorney-General for Lower Canada, dated 26th November, 1866, to whom was referred the memorandum respectfully submitted by the undersigned, to the Honorable the Commissioner of Crown Lands, in transmitting the departmental description and annexed plan of the projected township of Duval, at Natashquan, Labrador, previous to issue of a proclamation for the erection of the tract into townships, as the usual routine in such cases,—it appears conclusive, that the schedule (cadastre) of the Seigniorial Commissioners hereinabove cited, does not constitute a title which can be set forth in support of the claims of the proprietors, although describing the position, boundaries and extent of the tract therein designated, as the Seignior of *Terra Firma* de Mingan possessed by the heirs Richardson.

EXTRACT.

"Comme règle, la Couronne ne doit pas interpréter strictement la loi de manière à enlever au sujet une propriété, ou une partie d'elle, en possession de plus de 100 ans. En 1771, au contraire, la plus grande latitude d'interprétation favorable à l'intérêt privé doit prévaloir. Le droit individuel doit avoir moyen de se faire valoir à l'encontre des droits de la Couronne."

"Les déclarations des commissaires faits au cadastre de cette Seigneurie ne doivent ni ne peuvent ajouter ou diminuer les droits des propriétés que les tièrs ont dans cette Seigneurie."

"Le cadastre n'est fait que pour régler les rapports du Seigneur avec son censitaire, déterminer les droits en argent que peut réclamer le Seigneur contre ses censitaires, en un mot, le but de la loi est de changer la tenure, et non de régler et établir les lignes de division d'un Seigneur avec un autre qui lui est limitrophe."

"Le cadastre étant final pour les choses entre les censitaires et le Seigneur, parties au contrat, ne peut valoir qu'entre les parties, et non contre les droits de propriété de tièrs personnes."

In the case of the cadastre or schedule in question of the Seigniorie of *Terra Firma* de Mingan, it is therein stated that the Seigniorie is wholly unconceded, and therefore that there are no censitaires whose interests are involved in the declimitation of the Seigniorie.

The schedule (cadastre) in question in describing the position of the Seigniorie of Mingan, as being situated in the County of Saguenay, district of Quebec, and stating that it is wholly unconceded, however makes no mention of any title of the Seigniorie, nor to whom, nor when it was granted "en Seigneurie," whilst it refers to no record whatever establishing the existence of the Seigniorie it designates under given limits and boundaries, as also the dimensions thereof, in front, depth and superficies, in French leagues and arpents. Other grounds therefore happen to be indicated in the

Seigniorial Schedule, No. 108, save the name of the Seignior of Mingan, or *Terra Firma* de Mingan, as in possession of the heirs Richardson, to govern the Department in its notification to the proprietors for a bornage, short of the actual production of the titles thereof by the proprietors, required under the provisions of the Surveyors' Act already cited.

But, as pointed out in Mr. Andrew's letter, an extract whereof has already been referred to, as the titles and charts are to be found "in the possession of the Government," the undersigned has carefully examined the lists and entries of the names of all the Seigniories and fiefs granted "en fiefs and Seigneuries" in New France or Canada, anterior to, and since the cession of the country by France to Great Britain in 1763, which were furnished in the shape of extracts of titles and "foi et hommage" by authority of the Executive Government, from the office of the Provincial Registrar, then the Honorable George Ponnal, to the late Major Holland, Surveyor-General of the ancient Province of Quebec, for the purpose of constructing a map of the Province, and of distinguishing and defining the grants "En fiefs et Seigneuries" from the waste lands of the Crown, having in view the organization of the latter into Townships under warrants of Surveys from the Governor in Council, directed to the Surveyor-General.

These lists, or extracts which are of record in this Department, although among other grants of Seigniories, containing mention of Nos. 288 and 289, respectively of the Seignior "Des Isles et Islets de Mingan," granted to Jacques de la Lande et Louis J. Joliet, 10th March, 1679, and of the Island of Anticosti, granted to Mr. Joliet, March, 1680, make no mention of any grant of the Seignior de Mingan, or *Terra Firma* de Mingan, and as a proof that the omission is not accidental, upon an attentive examination of the printed volume in the English language entitled "Titles and documents relating to the Seigniorial Tenure, in return to an Address of the Legislative Assembly 1851," there is no grant whatsoever mentioned or therein inserted of the Seignior of Mingan.

In corroboration of this statement may be here mentioned, the valuable and elaborated chronological list, or index of grants "en fiefs" made in New France, compiled by the Hon. Mr. Dunkin, which has remained a

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most useful appendage to the records in Seigniorial matters in this Department.

In the 3rd column of the index, headed date of issue in France, opposite or in a line with the words "Mingan, Terre Ferme," in the column of Seigniories, and in a line in the column of "grantor, grantee," &c., "Company of New France to Francois Bissot, Sr. de la Rivière," is inserted the date "1661, February 25," but the pages, in the 1st and 2nd columns of English and French versions of the volumes laid before the Legislative Assembly, in both are blanks, as also blank in the fourth column under the head date of issue or registration in Canada, which blanks are explained in the first page, viz., "when a blank occurs in either column (1st or 2nd) no copy of the document has been found to be printed in the language indicated by such column."

Among the files of the Seigniorial documents on record in the Department, is to be found a certified copy of the entry of an Act of "Foi et Hommage," dated 28th May, 1781, to have been rendered before His Excellency Fred. Haldimand, Captain General and Governor in Chief of the Province of Quebec, by Francois Joseph Cugnet, Esq., Nicholas Joseph and Frs. Lafontaine de Belcour, Guillaume Le Grand and Thomas Dunn, Esqs., as representing the late Jacques Lalande, Sieurs Jolliet and Bissot de la Rivière, &c., Seigneurs et propriétaires *par indivis* of the fiefs and Seigneuries *des Isles et Islets de Mingan, de l'Isle d'Anticosti et de la Terre Ferme de Mingan*, "sis et situés à la cote nord dans le Fleuve et Golfe St. Laurent, dans le District de Québec." (Seigniors and undivided owners of the Islands and Islets of Mingan, of the Island of Anticosti and of the Mainland of Mingan.)

The parties in exhibiting various notarial deeds and contracts therein enumerated of their proprietary "*par indivis*," in the above stated properties, produced in support thereof as titles and declarations of property to the said fiefs and seigniories, the undermentioned documents.

Firstly. An authentic copy of the concession granted, 10th March, 1679, by Sieur Jacques Duchesneau, Intendant of New France, conjointly with Mons. le Comte de Frontenac, heretofore Governor of the said coun-

try, to Sieur Jacques de Lalande, fils, et Louis Jolliet, "*des Isles et Islets de Mingan, étant du côté du nord, et qui se suivent jusqu'à la Baie appelée l'anse aux Espagnols,*" (of the Islands and Islets of Mingan, being on the north shore and which follow up to the Bay called L'anse aux Espagnols), the said concession confirmed 29th May, 1680.

An Act of Foi et Hommage rendered for the same, before Mons. Begon, Intendant, the 12th April, 1725, by Sieur Jos. Fleury de la Gorgondière, for part of the said fief *des Isles et Islets de Mingan*.

"*Secondement*. Quant au fief et Seigneurie de *l'Isle d'Anticosti*, une copie authentique d'une concession donnée et accordée en mars 1680, par Mr. Duchesneau."

"*Troisièmement*. Quant au fief et Seigneurie de la Terre Ferme de Mingan, les dits comparants nous ont déclaré que cette Seigneurie commence au Cap des *Corps Morans* (Cormorans), à la côte du nord jusqu'à la Grande Anse, vers les Esquimaux, ou les Espagnols faisaient ordinairement la pêche, sur deux lieues en profondeur, qui a été concédée par la Compagnie le 25 février 1661 au Sieur Francois Bissot de la Rivière, dont le titre est adhérent, et qu'on croit avoir été brûlé dans l'incendie du Palais de l'Intendance, il y a cinquante ou soixante ans, &c., &c."

Primo. "Un contrat passé devant Panet, et son confrère, Notaires, à Québec, le 13 août 1761, de Bail à ferme du poste de Mingan, par ordre de Son Excellence, le Général Murray, &c."

Secondo. "Un extrait des registres de la Cour des Plaidoyers Communs du District de Québec en date du 21 de ce mois, signé David Lynd, &c., &c."

Tertio. "Une Acte sous seing privé, passé entre Etienne Charest et Catherine Bissot, &c., &c., en date du 26 août 1683, &c., &c., moyennant quoi le dit Etienne Charest et Catherine Bissot abandonnent au dit Sieur Jolliet tout ce qui aurait pu leur revenir, en quelque manière que ce soit, du côté des Sept Isles, depuis l'Isle aux Oeufs jusque dans la Baie des Espagnols, &c., &c."

Accompanying the letter of the late Thos. Amiot, dated 17th April, 1857, transmitting the above mentioned copy of the *Foi et Hommage*, to the Hon. Joseph Cauchon, then Commissioner of Crown Lands, is inclosed a note from Mr. Bélanger, clerk of the Registrar's Office, which acquires much importance as calling attention to the circumstances of the Act being neither signed by the Governor nor by Mr. Cugnet, the reason therefore he submits as follows: "Je ne puis m'imaginer pourquoi cet Acte de *Foi et Hommage* n'a pas été signé ni du Gouverneur, ni de M. Cugnet; je pense, cependant, que c'est à cause qu'ils n'avaient pas exhibé leur titre de concession en question, et qu'ils ont pris certificat de leur présentation en attendant qu'ils se le procurassent."

(Signed),

A. BELANGER.

(I cannot conceive why this *Acte de Foi et Hommage* was not signed either by the Governor or Mr. Cugnet; I think, however, that it was because they did not exhibit the deed of concession in question, and that they obtained a certificate of their having appeared until they procured it in the meantime.)

The foregoing extracts from the above cited Act of *Foi et Hommage* as therein specifying the concessions whereof authentic copies are exhibited by the parties to that Act in support of their titles to the fiefs and seigniories "*des Îles et Islets de Mingan*," and of the Island of Anticosti, which concessions as already stated are mentioned in the returns to the address of the Legislative Assembly, but more especially in the declaration made by the said parties in regard to the Seignior of *Terra Firma of Mingan* and named in the Seigniorial Schedule, Cadastre No. 108, obtained the clue or materials for more effectually investigating and inquiring into the existence of any such Seignior, or of any concessions to Sieur Bissot de la Rivière, situated "du côté des Sept Isles, depuis l'Isle aux Œufs jusque dans la Baie des Espagnols," (from Egg Island to Spanish Bay). Otherwise supplying the information already mentioned as wanting in the Schedule.

The result of the investigation and enquiry into the public records, "in the possession of the Government," and after an attentive and careful

examination, by the undersigned, of the Edits and Ordonnances, les arrêts et règlements du Conseil Supérieur de Québec, and of the Ordonnances et jugements des Gouverneurs et Intendants du Canada, published by authority of the Legislature of Canada, in three volumes (in the French language) respectively in the years 1854, 1855 and 1856 is, that no such Seigniorly or fief as the Seigniorly called Mingan, or Terra Ferma de Mingan, in the Seigniorial Schedule aforesaid, or in declaration to be received to Foi et Hommage herein above cited, exists nor appears ever to have been granted or conceded *en propriété* by, or under the authority of the King of France to any person or persons whatsoever, nor does it appear that any such Seigniorly of "l'Isles aux Œufs" situé du côté des Sept Isle, &c., now exists: although such a concession was anciently made to François Bissot de la Rivière, the 25th February, 1661, but was reunited to the Crown by "An Arrêt du Conseil Supérieur de Québec," 12th May, 1733. The ground and reasons for the above statement, are to be found in the under mentioned public Acts, contained in the volumes above cited.

1st. The "ordonnance" of Gilles Hocquart, Intendant, &c., bearing date 12th May, 1733, "entre le Directeur du Domaine et le Sieur Bissot et autres," pages 354 to 358, 2nd volume.

François Bissot and co-heirs upon a petition of Pierre Calière, acting for François Cugnet being notified, pursuant to an "Ordonnance" of the 26th September, 1732, to produce the titles in virtue whereof they took possession of the extent of territory they occupy at Rivière Moisie, (à la terre du nord *au-dessous de la rivière Moisie*), replies in writing, that he be maintained in the possession of the land conceded to the late François Bissot de la Rivière agreeably to his title of the 25th February, 1661, *whereof Foi et Hommage the 11th February, 1668.*

The conclusions taken by the said Sieur Cugnet, were that the defendants be condemned to pay the arrears due since the year 1661. "Si mieux ils n'aimaient se désister de la concession en question et consentir à la réunion au domaine de la *Seigneurie de l'Île-aux-Œufs* qu'ils ont abandonné depuis longtemps, et en outre à payer aussi les droits pour la traite qu'ils ont faite à Mingan, depuis le dit temps jusqu'à présent, sur le pied qui

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"serait par nous réglé, et que les dits *défendeurs et intervenants* fussent tenus
"de *prendre nouveau titre* pour l'établissement par eux fait au dit Mingan,
"à commencer de la pointe des Cormorans, en allant à la Baie-des-Espa-
"gnols, sur tel front et profondeurs et sous telles redevances qu'il plairait à
"Sa Majesté leur accorder."

The defendants in accepting the proposed alternative to be discharged of the arrears claimed by Sieur Cugnet on their voluntarily abandoning the land conceded, as aforesaid, to the late François Bissot de la Rivière, also consent that the said *Rivière Moisie* be the boundary of the concession as far as the *Baie-des-Espagnols*, and requesting a new title therefor.

"Vu aussi les titres et pièces à nous présentés et produits par les dites
"parties, savoir, de la part du dit Sieur Cugnet, etc., ordonnance de M.
"Randot, ci-devant Intendant, etc., et autres ordonnances de M. Begon et
"ci-devant Intendant, etc., et une autre ordonnance, etc.

"Et de la part des défendeurs et intervenants "l'acte d'aveu fait le
"11 février 1668, au papier terrier de la Compagnie Royale des Indes Occi-
"dentales, alors Seigneurs de ce pays, par le dit défunt François Bissot,
"Sieur de Rivière, dans lequel aveu est énoncée la concession à lui faite
"par la dite compagnie, le vingt-cinq février 1661, de l'Isle-aux-Œufs,
"située au-dessous de Tadoussac, vers les *Monts Pelés*, du côté du nord,
"quarante lieues ou environ du dit Tadoussac, avec le *droit et faculté de*
"*chasse et d'établir en terre ferme aux endroits qu'ils trouveront plus commodes,*
"la pêche sédentaire des loups-marins, baleines, marsouins, ou autre né-
"goce, depuis la dite *Isle-aux-Œufs* jusqu'aux Sept Isles, et dans la grande
"anse vers les Esquimaux, où les *Espagnols font ordinairement la pêche*, avec
"les bois et terres nécessaires pour faire le dit établissement, à la charge de
"payer par chacun an, deux castors d'hiver, ou dix livres tournois, au rece-
"veur de la dite compagnie, et les droits accoutumés pour la traite à la
"communauté de ce pays; lequel titre de *concession*, 1661, les dits défen-
"deurs et intervenants déclarent ne pouvoir représenter, attendu l'incendie
"arrivé à la Basse-Ville, il y a environ cinquante-deux ans dans lequel le
"dit titre a été enveloppé.

" Conclusion du Procureur-Général du Roi, du vingt-huit d'avril dernier, parties ouies, et tout considéré :

" Nous avons donné acte aux défendeurs et intervenants de l'abandon
 " par eux fait par leur écrit de réponse du douze avril dernier du terrain concédé à défunt François Bissot, Sieur de la Rivière, par la compagnie de la
 " Nouvelle-France, du vingt-cinq février mil six cent soixante-et-un, depuis
 " l'Isle-aux-Œufs jusqu'à la Rivière Moizie, et en conséquence, ayant égard
 " à la demande du dit Sieur Cugnet ès-dit nom, portée par son écrit de
 " réplique du trente-un mars dernier :

" Nous avons, en tant que besoin, réuni et réunissons au domaine de
 " Sa Majesté, le dit terrain concédé au dit Sieur Bissot, depuis et compris
 " la dite Isle-aux-Œufs, jusqu'à la pointe des Cormorans, qui est à 4 ou 5
 " lieues au-dessous de la dite Rivière Moizie.

" Nous, sous le bon plaisir de Sa Majesté, les avons déchargés et déchargeons de tous les arrérages qui pourraient par eux être dûs des rentes
 " et droits dont était chargée la dite concession, et quant au nouveau titre
 " de concession par eux requis pour l'établissement fait par eux, et par le dit
 " François Bissot de la Rivière, leur auteur, au lieu dit Moingan, les parties
 " se retireront par devers Sa Majesté pour l'obtention d'icelui sur tel front et
 " profondeur, et sous telle redevance qu'il plaira à Sa Majesté de leur accorder.

" Mandons, etc.

" Fait à Québec le douze mai mil sept cent trente-trois.

(Signé,) " HOCQUART."

The foregoing extracts from the Ordonnance of the 12th May, 1733, appear to establish :

1st. That according to the "acte d'aveu fait le 11 février 1668, au papier terrier de la Compagnie Royale," by the said François Bissot, the concession of l'Isle-aux-Œufs, of the 25th February, 1661, only granted the

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12th May, 1733,

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right and faculty of hunting and making establishments "en terre ferme" for carrying on the fisheries, etc., between certain given limits, namely, from the said *Isle-aux-Œufs* "jusqu'aux Sept Isles, et dans la grande anse, vers les Esquimaux, où les Espagnols font ordinairement la pêche;" and therefore granted no right to the said Frs. Bissot, even to establish fishing posts "en terre ferme," on the intervening spaces between the Sept Isles and the said Grande Anse;

2nd. That the said co-heirs of François Bissot, by a document in writing, abandoned and relinquished their rights and titles to the concession of the 25 February, 1661;

3rd. That the territory conceded to the said Bissot, from and including the said *Isle-aux-Œufs*, to the point Cormorans, was reunited to the Domain of the Crown, and thereby the concession ceased to have any existence in the same way as numerous concessions in New France were reunited to the Domain and afterwards granted to other parties; witness, the fiefs St. Etienne and St. Maurice in the district of Three Rivers, &c.;

4th. And what further confirms the cancelling of the concession of the 25th of February, 1661, is that the Intendant Hocquart, in regard to the application of the co-heirs for a new title for the establishment made by them and the said François Bissot de la Rivière, at the place called Mingan, the said parties are directed to apply to His Majesty to obtain the same upon such *front and depth*, and such redevances as it will please His Majesty to grant. It is worthy of remark that the dimensions were wholly omitted in the concession of the 25th February, 1661.

The question then arises as to whether any grant and concession was, subsequent to the date of above cited ordinance of 1733, made by the crown of France to the said co-heirs Frs. Bissot de la Rivière, of the post or establishment of Mingan, or any part of the territory of the north shore of the gulf St. Lawrence.

After a careful search in the records and archives already mentioned none whatever has been found; on the contrary the following and under-

mentioned concessions of different portions of the territory extending along the north shore of the gulf St. Lawrence from Pointe Cormorans to the eastern limit of the province, at Mont Blanc Sablon, which may be better distinguished under the general appellation of Labrador, were entered and found on record, copies whereof are herewith accompanying.

Two of these concessions it may be observed, bear date respectively in 1702 and 1709, and therefore anterior to the Ordinance of 1733, which circumstances effectually sustain the construction therein put on the words of the concession of l'Isle-aux-Ceufs of the 25th February 1661, that the right of hunting and establishing fisheries therein granted to François Bissot did not comprehend nor apply to any part of the territory lying intermediate between the Seven Islands and "Baie des Esquimaux." As the concessions of Kekashka and St. Augustin are situate nearly midway in the pretended Seigniory of Mingan; whilst the concession of the rivers Etamamean and Montogamu of the 1st Septembr, 1733, manifestly shew the right in the crown of disposing of the territory now claimed by the heirs Bissot, viz:

"10. Concession au Sieur LeGardeur au lieu appelé Labrador, depuis " la rivière Kégashka jusqu'à la rivière Kescakiou, le temps et l'espace de " dix années consécutives, pour y faire des établissements pour la pêche " sédentaire, etc."—17th Oct., 1702. No depth given.

"20. Concession au Sieur de la Valtrie au lieu nommé la rivière St. " Augustin, dans la côte de Labrador, de deux lieues de front de chaque " côté, sur quatre lieues de profondeur dans les terres, ensemble les isles et " islots adjacents au dit hâvre, pour en jouir sa vie durant et tant qu'il " fera valoir la dite concession par les pêches qu'il y fera, etc., etc."—7th Oct., 1720.

"30. Concession au Sieur de la Fontaine de Belcourt, à la côte du " nord du fleuve St. Laurent, une étendue de terrain à prendre depuis la " rivière Etamamion icelle comprise à celle de Matagamion avec le privi- " lège exclusif pour y faire des établissements pendant le temps et l'espace " de neuf années, etc., etc."—1st Sept., 1733. No depth given.

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"40. Concession au Sieur J.-Bte. Pommereau en une étendue de terrain
de cinq lieues de front de la côte du Labrador, depuis la pointe du Gros
Mécatinat, icelle comprise en allant au nord-est, sur quatre lieues en pro-
fondeur, avec les îles, ilots et battures qui se trouvent au-devant d'icelle,
avec le privilège exclusif d'y faire la pêche du loup-marin, etc., etc., pen-
dant le temps et l'espace de dix années consécutives."—2nd May, 1738.

50. "Concession en continuation au dit Sieur J.-Bte. Pommereau, d'un
terrain situé, ci-devant désigné *arres*, de quatre lieues ou environ de front,
allant au Nord-Est, à prendre au bout des cinq lieues à lui concédées le
22 mai 1738, jusque et y comprise la Rivière Chekoupon, sur quatre lieues
de profondeur, pour la dite étendue de terrain ne faire avec les cinq lieues
ci-devant accordées au Sieur Pommereau, qu'une seule et même conces-
sion, et en jouir par lui pendant le dit temps, et y faire un ou plusieurs
établissements de pêche du Loup-Marin, etc.—20th Sept., 1739.

60. "Concession au Sieur Vincent, à la côte de Labrador, pour le temps
et l'espace de neuf années consécutives, un terrain qui se trouve non cou-
cédé, entre les concessions des Sieurs Pommereau et Lafontaine; à prendre
le dit terrain trois lieues au-dessus de la Rivière du Petit Mécatinot, en
tirant au Sud-Ouest vers la concession du Sieur Lafontaine, trois lieues
au-dessous en tirant vers le Sieur Pommereau, sur quatre lieues en pro-
fondeur.—7th Jan., 1740.

70. "Concession au Sieur Jacques Bréard, Contrecœur, et Guillaume
Estèbes, pour le temps et espace de neuf années, un terrain entre les con-
cessions ci-devant accordées au Sieurs Pommereau et Lavaltrie, à la Côte
du Nord, du fleuve St-Laurent, d'environ quatre lieues de front *non con-*
cédées, à prendre de la Baie Chikapoin, qui est la borne du Nord-Est de
la concession du Sieur Pommereau, jusqu'à celle du Sieur de la Valtrie,
sur six lieues de profondeur, avec les Isles, Islets, et batures qui sont au
devant, etc., avec privilège de faire à l'exclusion de tout autre, la pêche
du Loup-Marin.—5th Nov., 1848.

80. "Concession aux Sieurs Croiselle de Montesson, Daniel de Beaujeu
et Guillaume Estèbes, en continuation de la concession accordée en 1740,

" au Sieur J.-Bte. Pommereau, formant neuf lieues de front, sur quatre lieues de profondeur, pour le temps et espace de six années.—1st May, 1749.

9o. " Concession au Sieur Chéron, à la côte du Labrador, au lieu appelé St. Augustin, de quatre lieues de front sur quatre lieues de profondeur, laquelle concession appartenant ci-devant au feu Sieur de la Valtrie, pour le temps et espace de neuf années consécutives, pour y faire la pêche de la morne." 20 April, 1750.

10o. " Concession au Sieur Lafontaine, pour le temps et espace de quinze années, seulement l'étendue de terrain nommé *Apitipi* ou *Chicata-ramey*, ci-devant appartenant aux Sieurs Foucaut et Boucaut, entre la concession du Poste St-Augustin, appartenant au Sieur de la Valtrie, et celle du Sieur Bromigue, avec quatre lieues de profondeur, ainsi que les Isles et Islets, etc., etc., etc."—10th Oct., 1750.

The foregoing described concessions, situate on the coast of Labrador, are drawn and represented on the accompanying chart of the Gulf of St. Lawrence, which although on a very small scale, are sufficient to exhibit their relative position, with reference to the claims of the said heirs Richardson.

The conclusions which an attentive consideration and study of the documents and statements referred to in the foregoing pages, on the subject of the supposed Seigniority of *Terra Firma* de Mingan, must obviously obtain, as sustained by, and resting on the authority of the records and archives in the possession of the government, or otherwise printed documents published under Legislative authority, may especially, when considered in connection with those Imperial Acts enacted immediately succeeding the cession of the Country to Great Britain, in 1763, which established at different periods, the boundaries between Canada and Newfoundland, be summed up as follows:

1stly. That the concession of the 25th February, 1661, etc.,—there was never but one of that date, to Sieur Frs. Bissot de la Rivière, for which the Sieur Bissot, rendered *foi et hommage* in 1668, and which was accordingly

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invoked by the co-heirs and representatives of the said Bissot, in their declaration in writing, made in pursuance of the ordinance of 26th Sept., 1732, and voluntarily abandoned by them in a document in writing, dated 12th April, 1732,—was reunited to the Domain of His Majesty, and therefore, revoked and cancelled to all purposes whatever.

2dly. That no new title was afterwards granted to the said co-heirs of the said Bissot, as by them requested, "pour l'établissement fait par eux et " par le dit François Bissot, leur auteur, au lieu dit Mingan."

3rdly. That the said concession of the 25th February, 1661, so reunited to the Domain, is evidently identical with the concession of l'Isle-aux-Œufs of the same date, invoked in the declaration made by the parties representing the late François Bissot de la Rivière, to be received in fealty and homage, before His Excellency General Haldimand, whereof Act the 28th May, 1781, registered, but without the signature of His Excellency to the document.

4thly. That the said concession of the 25th February, 1661, for which the said François Bissot de la Rivière, rendered in person *foi et hommage*, on the 4th February, 1668, thereon described: "La concession a lui faite " par la compagnie le 25 février 1661, de l'Isle-aux-Œufs, située au-dessous de " Tadousac, avec le droit et faculté de chasse et d'établir en terre ferme aux " endroits les plus commodes la pêche sédentaire, etc, depuis la dite Isle- " aux-Œufs jusqu'aux Sept Isles, et dans la Grande Anse, vers les Esquimaux " ou les Espagnols font ordinairement la pêche,"—invoked by the represen- tatives of the said Bissot de la Rivière, in their said declaration, in the act aforesaid, of the 28th May, 1781, it would be observed, undergoes or bears a quite different designation in the said declaration in respect to the name of the concession, its position, extent and place of beginning, to wit, viz:

"La dite Seigneurie de la Terre Ferme de Mingan, commence au Cap des Corps Morans, (*Cormorans*) à la Côte du Nord jusqu'à la Grande Anse, vers les Esquimaux ou les Espagnols faisaient ordinairement la pêche, sur deux lieues de profondeur, qui a été concédée par la compagnie le 25 février 1661, à François Bissot de la Rivière," being the very same concession here invoked,

which it has herein been authoritatively shown, had been, under the former designation of the concession of the l'Isle-aux-Œufs, reunited to the Domain of His Majesty, by the ordinance of the Intendent Gilles Hocquart of the 12th May 1733.

5thly. That had the co-heirs of the said François Bissot de la Rivière, as advised, in the said ordinance of 1733, then or thereafter obtained from His Majesty any new concessions, describing as directed the front and depth thereof, or even acquired a concession of a similar nature to those hereinbefore recited, for the *exclusive privilege* of establishing and carrying on the sedentary fisheries, whether at the place designated in the said ordinance, and in the declaration of 1771, *au lieu dit* (Poste de Mingan,) or if any other unconceded part of the coast of Labrador, such concession would have been certainly produced by the said parties to the fealty and homage in 1781, not, however, as representing the said Bissot de la Rivière, but whoever might have been the immediate grantee of such new concession, and thereby have warranted the alleged occupation and possession, otherwise held on a mere presumption of title to a territory on the coast of Labrador, wholly belonging in the absence of such new title or concession, to the Public Domain of this Province. But as it has already been shown, not only has no such concession as that of the 25th February, 1661, to Sieur Frs. Bissot de la Rivière, been found registered among the ancient archives of this country previous to the conquest, now among the records in the possession of the government, but no new concessions whatever of any date posterior to the reunion of that concession to the Domain, on the 12th of May, 1733, to the co-heirs of the said Frs. Bissot, wherefore no such Seigniory, as the Seigniory of *Terra Firma* de Mingan, exists under any title or concession from the Crown of France.

The occasion, when treating of the boundaries of the supposed Seigniory of Mingan, under the circumstances of the desired bornage with the Crown, suggested as a necessary measure prior to the disposal of the lands in the Domain, situate on the coast of Labrador, inasmuch as a certain *Schedule*, No. 108, deposited in this department under the provisions of the *Legislative Tenure Act*, in 1854, describes such a Seigniory as in the possession of the heirs *Richardson*, appears a fitting one, to inquire how it happens

that the Seigniorie de Mingan is referred to in the late Col. Bouchette's topography, published in 1817, and also in the typographical dictionary forming the third volume of his work on the British Dominions, published in 1831, to which much official importance, owing to the author being Surveyor General of Lower Canada, at the period of those publications, is accordingly attached.

In attentively comparing the description of the concession of the 25th February, 1661, to Frs. Bissot de la Rivière, contained in the Extract "du Régistre des Foi et Hommage," No. 78, folio 353, inserted in the appendix of Col. Bouchette's topography, in 1817, with the description of that concession contained in the declaration made by the representatives of the said Bissot, in the Act of the 28th May, 1781, hereinbefore cited and certified by Joseph Laurin, to be a true copy of the entry in the first volume "des Régistres des Fois et Hommages," in his office of the Crown Domain Branch of this department, the similarity between both descriptions in their most essential terms, is readily apparent, and on referring to the entry itself of the act, it is found in the said first volume, as stated, under No. 78, at fol. 353, but without the signature "Frederick Haldimand," or that of Joseph Cugnet, then G. P. I. as at foot of the proceeding similar acts, whence evidently the origin of the "extract or title," above mentioned. It therefore seems questionable, under the circumstance of that entry being thus defective and unauthenticated, whether Mr. Cugnet was justified or authorized in granting copies of it to the parties who were to have been received to the act of fealty and homage, *but were not so received*," and assumption possibly on the part of the registrar to which may reasonably be attributed the misapprehension and error which has since prevailed on the subject of the pretended Seigniorie of *Terra Firma* de Mingan.

The late Surveyor General of Lower Canada, in neither of his said publications, has followed the description given in the "Extract" or "Title," as he describes the concession granted to Sieur Frs. Bissot, the 25th February, 1661, as extending from Cape Cormorant, along the *North Shore of the Labrador Channel*, to Goznish River, limits adopted in the description given in the Seigniorial Schedule, No. 108.

That he had grounds for that description, which, as no depth is mentioned, conveys nothing more than the right of fishing originally granted in the concession of the 25th February, 1661, there can be scarcely any doubt of, while placing the Eastern limit at the Gaynish, (Aguanus on Bayfield's Chart) would clearly imply that "*la Grande Anse vers les Esquimaux où les Espagnols faisaient ordinairement la pêche*," was there supposed to lie opposite the group of the Mingan Islands, west of the said Gaynish River, and which forms with the mainland "*vis-à-vis en terre ferme*" the Labrador Channel, called on Bayfield's Charts of the Gulf of St. Lawrence the "Mingan Channel." None of the ancient maps of Canada mention the Seigniorie of Mingan, not even the celebrated Mitchell's map, published by authority in 1755, which exhibits the coast of Labrador Newfoundland and the Gulf of St. Lawrence, as compiled from the best published charts and surveys then existant, makes no mention of any seigniorie of that name, although representing the Island of Anticosti, the Mingan and Esquimaux Islands of the group of the Islands opposite the Mingan River. But later maps published since 1781, exhibit that Seigniorie as variously bounded on the East, some by the Gaynish River, others by the Kegashka River, &c., but none of them extend the Seigniorie as far as the Esquimaux Bay, called on some ancient charts or maps "*la Baie des Espagnols*," situate opposite the upper entrance of the Strait of Belle-Isle, from the Gulf of St. Lawrence.

The heirs Richardson in the correspondance herein mentioned, claiming proprietary of the pretended Seigniorie of Mingan, lay evidently in support of their claim, a great stress on their alleged possession "for nearly a century" of an extent of coast on the northern shore of the Gulf of St. Lawrence, extending 350 miles as the birds fly, viz.: between the Cape Cormorant and the Bay des Esquimaux their Eastern boundary, whereof a portion extending down to the Romaine, or Lower Romaine River, as having been occupied and enjoyed by them through their lessees since September, 1803, namely sixty-four years, while their title to the remainder, lying between the Oromaine or Romaine, and "*la Baie des Esquimaux*" is established by a Sheriffs' title obtained in September 1804.

The above alleged possession of part of the Crown Domain, lying between Cape Cormorant and the "Baie des Esquimaux," set forth in letter No. 2, appears deserving of a few remarks, in closing this report, although satisfied from the premises and facts therein already adduced, and the documentary authorities referred to that no valid possession or occupation of the territory can be sustained or established by the heirs Richardson, (the Seigniorial Schedule notwithstanding) whether as the representatives of the said François Bissot, or of the parties who were to have been admitted to fealty and homage in the Act aforesaid in 1781; or whether on the grounds of length of occupancy by themselves or their lessees, *without title* which should entitle them to a claim for prescription against individuals, although unavailable under the statutory laws and Civil Code of Lower Canada, against the Crown.

The consideration, however, of the legal merits of any such claim, or of the Sheriff's title under the circumstances herein stated, is properly the province of the law officers of the Crown.

Admitting then, that in virtue of the concession of the 25th February, 1661, the said Frs. Bissot had established a sedentary fishery "au lieu dit Mingan" as intimated in the ordinance of the 12th May, 1733, any right or claim which his legal representatives might have had in that establishment, otherwise called "poste de Mingan," or in any other portion of the coast of Labrador, "dans la grande anse vers les Esquimaux," were revoked and cancelled, along with the concession of Isle aux Œufs, of the 25th February, 1661, when that concession was reunited to the Domain of His Majesty, in 1733. The co-heirs furthermore, never having acquired subsequent thereto any new right or title from the Crown of France, for any part of the territory for which possession is now claimed. On the contrary it has been shown that the Crown of France, by the concession granted to Sieurs LeGardeur, Pommereau and Fontaine de Belcourt and others, dating as far as back as 1702 to 1750, hereinbefore mentioned, had entire control over the territory in question, as part of the Domain of His Majesty. In support of which position may be adduced the Ordinance of the Marquis de Beauharnais and Gilles Hocquart, Intendant, dated 27th August, 1742 published in the 3rd volume "des Edits et Ordonnances," at folio 470, by

authority of the Legislature, establishing certain regulations "entre les propriétaires des Isles Mingan et les concessionnaires en terre ferme, vis-à-vis les dites Isles."

The 4th article of which rules: "S'il est expédié par la suite des concessions en terre ferme à d'autres particuliers qu'à ceux qui en ont ci-devant obtenu, les propriétaires des Isles seront obligés de leur concéder les Isles et Islets aux termes, aux charges des articles premier et second du présent règlement, et faute pareux de le faire, il leur sera expédié des titres au nom du Roi."

And by the 5th clause: "A l'égard des redevances dues jusqu'à ce jour par le *Sieur Pommereau* pour la concession qu'il a eue des Isles qui sont vis-à-vis sa concession," indicates the situation of the concession of said Pommereau as laid down on the annexed sheet of Bayfield's map of the Gulf of St. Lawrence.

Nevertheless the heirs Richardson pretend to the occupation in 1803, of the land of the River Oromaine, or Lower Romaine, possibly the River Olomonashito on the said annexed chart, situate nearly intermediate between the concession of Kegashka, to *Sieur LeGardeur* and *Itomanion* to *Sieur de la Valtrie*; claiming also a Sheriff's title therefor as obtained in 1804, for the territory so shown to be held under previous concessions, from the Romaine River to the "Baie des Esquimaux," forming part of the Domain of the Crown, at the cession of Canada to Great Britain, in 1763, only 21 years subsequent to the date of the Ordinance of 1742 last mentioned.

By the King's proclamation, however, of the 7th October, 1763, all the territory of the coast of Labrador, lying East of the River St. John, together, with the Island of Anticosti, the Magdaine Islands, and all the Islands in front of that coast, were transferred to the Province of Newfoundland; whereupon the Governor of this Province, by his proclamation, dated 21st October, 1765, established such stringent regulations, especially objectionable as throwing open to fishermen and adventurers of all nations, British subjects nevertheless preferred, the territory and the Islands which had

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thus fallen under his jurisdiction, declaring the same "*to be free and un-granted since the conquest*," as to render necessary the enactment of the Imperial Act, 14 George III., Cap. 83, which restored to the Province of Quebec the territory and Islands detached from it by the proclamation of the 7th October, 1763.

According to the preamble of the said Act, to wit: Whereas His Majesty by His Royal Proclamation of the 7th October, 1763, thought fit, &c., &c., "and certain part of the territory of Canada where sedentary "fisheries have been established and carried on by the subjects of "France, inhabitants of the said Province of Canada, under grants and "concessions from the Government thereof were annexed to the Govern- "ment of Newfoundland, and thereby subjected to regulations incon- "sistent with the nature of such fisheries," it is manifest that its provisions intend to apply to those grants and concessions which were registered in the public archives, and which are now laid down on the said annexed map of the Gulf of St. Lawrence, occupying upwards of 200 geographical miles on the coast of Labrador, from Kegashka River to the "Baie des Esquimaux," and East therefrom 100 miles more along the Straits of Belle Isle, to the coast of the Atlantic Ocean; whilst the Act appears also intended to have the reverse effect of the Newfoundland Proclamation in- virtually excluding from the territory re-annexed to the Province of Que- bec fishermen and adventurers who did not possess *bona fide* concessions from the Government. Any establishments therefore effected on the coast of Labrador under the pretended concession of Terra Ferma de Mingan would not come under the protective operation of the Imperial Act above cited, and accordingly any such occupation of the territory East of the River St. John, on the coast of Labrador, was not only without leave or license, but adverse to the provisions of the Act aforesaid, unless it had obtained the authority of the Government of Newfoundland, under the provisions of the third clause of that Act; whilst the territory was under the jurisdiction of that Province, viz., during the interval of eleven years succeeding the King's Proclamation in 1763, until the passing of the Imperial Act 14 George III., Cap. 27, in 1809, which re-annexed the coast of Labrador, East of the River St. John, together with the Island of Anti-costi, the Magdaleine Islands, and all the Islands in front of the said coast

to the Province of Newfoundland, and the enactment of the 6 George IV., Cap. 59, which extended the Eastern boundary of the Province of Lower Canada, from the said River St. John, Eastward, along the Labrador coast, to "Anse au Blanc Sablon" (in long. $59^{\circ} 9' 33''$, West from Greenwich), and again re-annexed the Island of Anticosti, the Magdaine Islands and all the Islands in front of the said coast of the said Province of Lower Canada, now the Province of Quebec, under the British North America Act, 1867, 30 Vict., Cap. 3.

The heirs Richardson date their occupation of the territory on the Labrador coast: 1st. From Cape Cormorant to the Oromaine River, in the year 1803, reckoning therefore "sixty-four years" possession of that part of the Seigniorie de Mingan, to the present year inclusively. That possession, it is presumed, is held by them as the legal representatives of the late Frs. Bissot de la Rivière to whom was granted by the *Compagnie* the concession of the *Isle aux Œufs*, dated 25th February, 1661, (invoked by the said representatives in their declaration in 1781), and re-united to the Domain in 1783, presenting therefore, a lapse between the year, 1661 and 1803, of one hundred and forty-two years.

As it appears that, of this lapse of years of nearly a century and a half, it is not pretended to offer an account beyond a claim of occupation of "nearly a century," there results, between the two extreme periods of 1661 and 1867 an interruption of over a century, for which no possession or occupation is adduced by the said heirs Richardson.

2nd. For the remaining territory, viz: from the Oromaine River to the "Baie des Esquimaux," for which the heirs Richardson state to have obtained a Sheriff's title in 1804, it has been above authoritatively shown that the territory from Kegashka, which is west of the said Oromaine River, down the coast of Labrador, to the "Baie des Esquimaux," was held under grants and concessions of divers individuals, from the year 1702 to 1750, the renewed concessions possibly expiring only in the present century—the concessionnaires having besides, according to the 3rd article of the Ordinance of 1743, aforesaid, still have a right of *hunting* the seal "au

of the 6 George IV., "on the Islands opposite their respective grants, *after the expiration* of their concessions, in common with the proprietors of the said Islands.

The Sheriff's title, if any wise relating to the pretended Seigniory of Terra Firma de Mingan, which has been shown to have no title whatever to sustain it, or even any valid occupation of the territory claimed under it, can have no weight or validity before the undefeasible right of the Crown to the whole territory on the Labrador coast, lying within the limits of this Province, as part of its disposable Domain.

The whole nevertheless respectfully submitted.

(Signed,) JOSEPH BOUCHETTE,
Dep. Surveyor General.

(True copy,)

DEPARTMENT OF CROWN LANDS,
QUEBEC, 23rd May, 1882.

E. E. TACHÉ,
Assistant Commissioner.

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(No. 1.)

DEPARTMENT OF CROWN LANDS.

OTTAWA, 31st January, 1867.

SIR,

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There being an urgent necessity to establish in a permanent manner by stone monuments, in due form of law, not only the easterly limit of the Seigniory of *Terra Firma* de Mingan, but the divisional lines of the boundary between that Seigniory and the adjoining waste lands of the Crown, in the County of Saguenay—I beg to draw your earliest attention to the subject of the Departmental letter, dated 13th December last, addressed to you as one of the heirs Richardson, to whom the said Seigniory belongs as appears by the Schedule of the Seigniorial Commissioners, No. 108, deposit-

ed in this Department agreeably to the 25th Clause of the 41st chapter of the Consolidated Statutes for Lower Canada, to which letter no reply has yet been received.

I take the present occasion to bring under your notice the description of the boundaries and extent of the Seigniori of *Terra Firma* de Mingan, contained in the same schedule published in the *Canada Gazette* on the 26th March, 1864, pursuant to the 28th clause of the said Act.

I have the honor, &c., &c., &c.,

(Signed),

A. RUSSELL,
Assistant Commissioner.

COL. DENNIS,
Bellerive Serente, Dalkey, }
near Dublin.

[True copy.]

Department of Crown Lands,
Quebec, 23rd May, 1882,

E. E. TACHÉ,
Assistant Commissioner.

DEPARTMENT OF CROWN LANDS,

OTTAWA, 16th April, 1867.

SIR,

In reference to your letter of the 29th ult., intimating that as proprietor of the ten-sixteenths of the Seigniori of Mingan, you entirely concurred in the statements and representations contained in the letter of T. B. Anderson, Esq., as addressed to the Department on the subject of that Seigniori, as to the eastern boundary, after a thorough investigation of the titles and instruments appertaining thereto, I have now the honor in furtherance of the Departmental letter to Lieutenant-Colonel Dennis, dated 31st January last,

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Firma de Mingan,
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RUSSELL,
Commissioner.

that this Department is prepared, as a preliminary measure to the actual
bornage of the boundaries of the Seigniorie of *Terra Firma de Mingan*, to
investigate into the titles and instruments upon which the heirs Richardson
rest their proprietary of the said Seigniorie; and more especially the extent
and limits thereof, with the adjacent land of the Crown.

In that view I would beg to suggest that the proprietors of the Seigniorie
do transmit at an early or convenient day, those titles and instruments for
examination at this office, accompanying the same with such explanations
and remarks as will conduce to a clear understanding of the documents, the
originals of which must necessarily be of record in the public archives, or
as the case may be, in the Courts of Justice of Lower Canada.

(Signed)

A. RUSSELL,
Assistant Commissioner.

The Honorable
J. J. C. ABBOTT,
Montreal. }

[True Copy.]

Department of Crown Lands,
Quebec 23rd May, 1882.

E. E. TACHÉ,
Assistant Commissioner.

April, 1867.

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(No. 2.)

MONTREAL, 15 March, 1867.

SIR,

Your letter of the 31st January last addressed to Colonel Denny has
just been sent to me by that gentleman, who desires me to state that he
never received the communication from the Department, therein referred to,
and was not aware of the publication, in the *Canada Gazette*, of the schedule
mentioned in it, and the other proprietors of the Seigniorie of *la Terre Ferme*

de Mingan, of which Colonel Denny represents only five-eightieth parts, have hitherto been equally ignorant of the Schedule in question. I beg now to state on behalf of the other proprietors and of myself, that they are also desirous to have the boundary lines between the Seigniori and the waste lands of the Crown duly and permanently established.

The western boundary of the Seigniori is described as Cape Cormorant, which is doubtless correct, and if the exact point of division has not already been fixed, the extreme point of the Cape might be adopted as constituting it. The northern boundary might be established without actual continuous survey, by taking the average coast line for fixed distances and establishing the depth of the Seigniori from high water mark at each of the selected points.

The proprietors, however, are at a loss to understand on what ground a river called in the schedule the Goynish, (which, by-the-way, does not appear on any map to which they had access) has been selected by the Seigniorial Commissioners as the easterly limit of the Seigniori.

The eastern boundary is plainly indicated in the description of the Seigniori to be found on record, by the words "*la grande anse vers des Esquimaux ou les Espagnols font ordinairement la pêche,*" and the Baie des Esquimaux, where are also the Esquimaux Islands, and the Esquimaux River, is designated in various authentic modes as that at which the Spaniards were in the habit of resorting to fish. They have had no difficulty in tracing back for nearly a century through every map or plan of note, made during that period, having reference to the north coast of the Gulf, the confirmation of this claim as to the eastern boundary, and a large portion of the Seigniori extending down the Oromaine, or Lower Romaine River, has been occupied and enjoyed by them through their lessees since September, 1803, namely, for the last sixty-four years; which their title to the remainder, lying between the River Oromaine or Romaine, and the Baie des Esquimaux, is established by a Sheriff's title obtained in September, 1804. If the Goznish "means the Aguanus" as they presume it does, it does not include much more than one-half of the portion of the Seigniori so held under lease, and not more than one-third of the extent of territory to which they are entitled

The proprietors therefore, while concurring in the desire of the Department to establish the eastern boundary of the Seigniory, and desiring me to express their entire willingness to take immediate steps to fix upon the exact point at which their eastern line is to be drawn, most respectfully, but earnestly protest against the pretension contained in the Schedule in question as despoiling them of a large portion of their property, and the part of which they would be unjustly deprived, is in reality the most valuable. It is, however, they trust, premature to speculate upon the possibility of their rights of property being disregarded by the Government.

The proprietors therefore claim the Baie des Esquimaux as the eastern limit of their Seigniory, and they hope to receive the concurrence of the Department in that view, in order that the boundary may be fixed in the coming season of navigation.

This expense, however, might be avoided by adopting longitude $57^{\circ} 41'$ as the division line, which would enable the permanent boundary mark to be put down whenever a competent person may chance to be there. If there should be any difficulty experienced in acceding to this view, the proprietors are prepared to concur in the appointment of arbitrators to settle the question, or even to the remission back of the Schedule to the Seigniorial Commissioner, that they may be heard before him.

Though doubtless arbitration would be the most equitable mode of deciding the difficulty, and they are the more anxious to have the matter determined, as they are informed certain persons are endeavoring to obtain the sanction of Government to their taking possession of a valuable tract near the Natashquan River, which the proprietors are determined to resist to the uttermost extent known to the law, and if the question remains open a vast amount of trouble and litigation will probably be the consequence.

(Signed)

T. B. ANDERSON.

[True Copy.]

Department of Crown Lands,
Quebec, 23rd May, 1882.

E. E. TACHÉ,
Assistant Commissioner.

(No. 3.)

MONTREAL, 29th March, 1867.

SIR :

Mr. T. B. Anderson of this city has communicated to me his letter addressed to you last week, on the subject of the Seignior of Mingan, and I have the honor to state as proprietor of ten-sixteenths of that Seignior, I entirely concur in his statements and representations as to the eastern boundary, after a thorough investigation of the titles and instruments appertaining thereto.

And I would most respectfully urge upon the Department the reference of the question of the eastern boundary, if disputed, to some competent person or persons, being equally resolved with Mr. Anderson, to protect my property from encroachment by any one, until a further investigation and adjustment of the difficulty has been arrived at.

(Signed,)

J. J. C. ABBOTT.

The Honorable Commissioner
of Crown Lands. }

[True Copy.]

Department of Crown Lands,
Quebec, 23rd May, 1882.

E. E. TACHÉ,
Assistant Commissioner.

(No. 4.)

MONTREAL, 30th April, 1867.

SIR :

I have the honor to acknowledge the receipt of your letter of the 16th, instant, and to say that I have communicated its contents to the Heirs Richardson, and my other co-proprietors of the Seignior of Mingan ; and that I have been entrusted by them with the task of preparing a memorial of our claims, and of the titles and instruments upon which it rests.

March, 1867.

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J. ABBOTT.

April, 1867.

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As such memorial will doubtless be required, not only to satisfy the Department, but also to withstand the scrutiny of parties who are understood to be seeking to procure from the Government a grant of a portion of the Seigniory for a nominal sum; it will necessarily take some time to prepare it with requisite amplitude and accuracy.

In the meantime, in common with my co-proprietors, I feel it to be incredible that the Department could contemplate entirely disregarding a possession under a title of above a hundred years, with the sanction of the Crown; and selling the property so possessed, without notice to its holders. And we also disbelieve the assertion that the Department has consented to permit individuals to exercise the rights of the Crown in an action against us, with the promise of obtaining the property of which they might succeed in depriving us, although it is freely asserted, what we thus discredit is actually true. Yet in justice to ourselves we must respectfully record our protest against the adoption of either of such courses of action on the part of the Government, feeling confident that by so bringing our position under your notice, we shall ensure from you every consideration consistent with justice. And moreover we join in respectfully, submitting to you, that in the establishment of our rights, we cannot be deprived of any legal evidence of title, wherever it may be found, and we must venture to solicit a reconsideration of the declaration in communication from the Department, to which this is a reply, that the originals of all documents we produce, "must necessarily be of record in the public archives of the Province, or in the Province, or in the Courts of Justice in Lower Canada."

(Signed,)

J. J. C. ABBOTT.

Department of Crown Lands,
Quebec, 23rd May, 1882.

[True Copy.]

E. E. TACHÉ,
Assistant Commissioner.

DEPARTMENT OF CROWN LANDS,

OTTAWA, 12th June, 1867.

SIR,

In your letter under date 30th April last, you were pleased to inform the Department that you had been entrusted by the heirs Richardson with the task of preparing a memorial of the titles and instruments upon which they and yourself, as one of the co-proprietors, rest your claim to the Seigniory of Mingan; inasmuch as a considerable time has now elapsed, I am to request that you will be so good as to transmit the memorial to this Department, with the least possible delay as the parties interested in the lands of the Labrador coast are urgent for the decision from the government in the matter.

I have the honor to be, &c.,

(Signed,

A. RUSSELL,

Assist.-Commissioner.

The Hon. J. J. C. ABBOT,

&c., &c., &c., Montreal.

[True copy.]

Department of Crown Lands,

Quebec, 23rd May, 1882.

E. E. TACHÉ,

Assistant Commissioner.

No. 5.

DEPARTMENT OF CROWN LANDS,

QUEBEC, 18th September 1867.

SIR,

No reply having been received from you to the Departmental letter of the 12th June last, in reference to the memorial which you signified in

your letter to this Department, under date 30th April last you were preparing in support of the claim of the heirs Richardson and others, co-proprietors of the Seigniory of Mingan, I beg to call your attention on the subject, in as much as, moreover, the organization of that section of the Crown Lands of the province of Quebec into townships is urgently demanded.

(Signed,)

J. O. BEAUBIEN,

C. C. L.

The Hon. J. J. C. ABBOTT,
&c., &c., &c., Montreal.

[True copy.]

Department of Crown Lands,
Quebec, 23rd May, 1882.

E. E. TACHÉ,
Assistant Commissioner.

No. 6.

MONTREAL, 19th September, 1867.

SIR,

I have the honor to state that when I proposed to submit to you a memorial on behalf of the proprietors of the Mingan Seigniory, I expected to be able to do so authoritatively as representing all of them. But as I have been disappointed in this respect, I must respectfully refer you to Mr. Okill Stuart, and Mr. Errol Lindsay, of Quebec, who each represent the present owners of one fourth of the Seigniory; and to Mr. E. A. Prentice, of this city, to whom I understand, the heirs Richardson, or the greater portion of them have assigned their rights. Mr. Weir, of West Flamborough, and Mr. John Blackwood, of London, England, are the present owners of the remaining fourth of the Seigniory.

At the same time I must express my hope, as being indirectly interested in the Seigniory, that titles among the most ancient in the province, will

not be disregarded without a thorough investigation, nor without a hearing of the actual proprietors in possession.

(Signed,) J. J. C. ABBOTT.

The Hon. Commissioner of Crown Lands,
Quebec.

[True copy.]

Department of Crown Lands,
Quebec, the 23rd May, 1882.

E. E. TACHÉ,
Assistant Commissioner.

No. 7.

MONTREAL, 20th September, 1867.

SIR,

The honorable J. J. C. Abbott has communicated to me your letter of the 18th September instant, of the following import.

"No reply having been received from you to the Departmental letter of the 12th June last, in reference to the memorial in which you signified in your letter to this Department under date 30th April last, you were preparing in support of the claim of the heirs Richardson and others, co-proprietors of the Seignior of Mingan, I beg to call your attention to the subject inasmuch as, moreover, the organization of that section of the Crown Lands is urgently demanded."

As representative of Mr. Andrews, one of the heirs of the late Honorable John Richardson, I trust I may not be out of place if I lay before you some remarks respecting your letter to Mr. Abbott, and particularly as regards the latter part of it, having reference to the erection of townships as "urgently demanded."

I cannot entertain the idea, that in the organization of that section of the Crown Lands for the purpose of erecting townships, the Government of the province of Quebec can have in view or that any part or portion of Seignior of the Terra Firma de Mingan, can be included in such erections. Any concession or grant, once made, I take to be irrevocable in every sense of the word. I am perfectly aware, as stated, the organization of townships is "urgently demanded" in a certain section of the Province of Quebec, and that the Seignior of Mingan, or certain part of it, have been disingenuously represented by certain parties as forming waste or ungranted lands of the Crown, and their representations have been made with the view of obtaining grants of certain portions of such pretended waste lands.

At the same time, I distinctly state that the parties so urgent in their applications and so willing to obtain grants of their neighbors' property, are parties who from interested motives, have taken great pains and used much sophistry to impugn the titles of the Seigniors and co-proprietors of Mingan, which Seigniors have been in uninterrupted and peaceable possession of that Seignior for upwards of half a century.

The grant of the Seignior of Mingan is of great antiquity and its limits and boundaries well established by titles and charts in the possession of the Government to which easy reference can be had.

Under the circumstances it is to be hoped that the Government will not entertain, for an instant, any applications for grants of lands, or any unbecoming representations that may be made against the titles and property of Mingan, but on the contrary will discourage the application of parties notoriously interested and dishonestly engaged in the pursuit of impugning the titles of others. I may be permitted to say that in France and in England such proceeding by any party, so far from being entertained would be frowned down by either Government. Governments, always consider themselves bound to uphold and carry out the grants and acts of their predecessors.

I have the honor to be,

&c., &c., &c.,

(Signed,)

A. C. ANDREWS.

MEMO :

Errol B. Lindsay and A. Lemoine, Esquires, represent $\frac{1}{4}$ of the Seignior of Mingan, and G. O. Stuart, Esq., Q.C., another $\frac{1}{4}$; perhaps these gentlemen, residents of Quebec, might consider themselves entitled to some communication, similar to Mr. Abbott's on the part of the Crown Lands Department.

(Signed,) A. C. ANDREWS.

The Hon. J. O. BEAUBIEN,
Commissioner of Crown Lands,
 Quebec.

[True copy.]

Department of Crown Lands,
 Quebec, 23rd May, 1882.

E. E. TACHÉ,
 Assistant Commissioner.

[Copy.]

Printed Memorandum respecting the Seignior of Terra Firma de Mingan, over the name of George Okill Stuart, Esquire, Q. C., referred by the Commissioner of Crown Lands, in connection with the Report of Deputy Surveyor General, dated 30th November last, on the same subject.

DEPARTMENT OF CROWN LANDS,

QUEBEC, 19th May, 1868.

The Honorable J. O. BEAUBIEN,
 Commissioner of Crown Lands,
 &c., &c., &c.

After an attentive perusal of the above mentioned printed document in which it is attempted to make out a title in support of the claims set up by the heirs Richardson, to a large extent of Territorial Domain of this

Province, situate on the North Shore of the River and Gulf of St. Lawrence, otherwise known as Labrador, but which the claimants designate by the name of the Seigniority of *Terra Firma* de Mingan, also having read with equal attention the remarks of Mr. Stuart at foot of his memorandum, evidently meant and intended as a refutation of the conclusions arrived in the report dated 30th November last, which the undersigned had the honor of submitting to you on the subject of the correspondence which had taken place between certain of the heirs Richardson and this department relative to establishing the boundaries of the tract of land designated in the Seigniorial Schedule No. 108, as the Seigniority of *Terra Firma* de Mingan, but which report was only laid before you on the 13th December last, when the map of Labrador coast exhibiting thereon, the position of the lands applied for by different parties for mineral purposes, under the departmental regulations of the 13th July, 1866, was completed, in which remarks Mr. Stuart is pleased to charge "Mr. Bouchette, the Deputy Surveyor General," with numerous errors of commission and omission in his report, the undersigned, deems it incumbent upon him to respectfully submit as supplementary to his report, the following observations and remarks:

Holding to the well known maxims "du droit sur la coutume de Paris," of "nulles terres sans seigneurs," and "nulles seigneuries sans titre," in their acceptation as applicable to the case in point, the undersigned, begs leave to premise as introductory to the subject of the remarks of Mr. Stuart, relating directly to the report, such observations as the nature of certain of the paragraphs of the printed memorandum will appear to have called for as containing grounds for objections to the statements or evidence herein set forth, or to the conclusion therefrom determined, without, however, departing from the data of authorities cited or quoted in such paragraphs, invoked in support of the claim thus set up by the heirs Richardson.

Paragraph 1.—It may appear somewhat anomalous to discuss the situation, extent and boundaries of the supposed Seigniority of *Terra Firma* de Mingan, when its stated possessors or occupants have failed to produce a title therefor from amongst the records or archives of the Province, as all contemporaneous grants or concessions made under the Government of France, are usually substantiated and proven; nevertheless an impar-

tial, but at the same time a scrupulous examination into the allegations and matters set forth, as well as enquiry into the authorities, acts of fealty and homage, publications, ordinances, maps, etc., etc., therein referred to may effectually serve to illuminate the true features of the questions at issue.

The boundaries assigned in this paragraph to the Seigniory of Terra Firma de Mingan, as extending from Cape Cormorant, along the North Shore of the St. Lawrence to the "Baie des Espagnols," if by the "Baie des Espagnols," is meant the "Baie des Esquimaux," or the "Baie Phelippeau," near the Eastern limit of the Province at Blanc Sablon, are to say the least as gratuitous as they are unsustained by the ordinances, publications, maps, ancient or modern, invoked in support of the pretensions of the heirs Richardson to the territory above described.

According to T. B. Anderson, Esquire, in his correspondence with the department on the subject of the boundaries of the Seigniory of Terra Firma de Mingan, claimed by the heirs Richardson, "the Western boundary of the Seigniory is described as Cape Cormorant," and its Eastern boundary to be plainly indicated in that description of the Seigniory to be found of record by the words "la Grande Anse vers les Esquimaux où les Espagnols, font ordinairement la pêche," yet represents the geographical position of said "Grande Anse," as in longitude $57^{\circ} 49' W.$, which he claims as the Eastern limit of the Seigniory, that is to say, upwards of 200 geographical miles nearer the Atlantic seaboard, than it actually is—nevertheless, he makes no mention whatever of the "Baie des Espagnols," nor of the "Baie des Phelippeaux," although of the "Baie des Esquimaux," where are also the Esquimaux Islands and the Esquimaux River, "at which the Spaniards were in the habit of resorting to fish."

The above description appears derived from the extract contained in the appendix of the Topography of the late Col. Bouchette, published in 1815, which is *verbatim* the same as given in his Topographical Dictionary, published in 1832, in the alphabetical order of the Seignories, Townships, etc., both descriptions being adduced in the memorandum as authority in support of the pretensions of the said heirs Richardson.

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Inasmuch as great stress has thus been laid upon the public works of the late Col. Bouchette, Surveyor General of Lower Canada, as upholding the extraordinary claim set forth, in the memorandum as comprehending nearly the whole frontage of the Labrador Territoir, on the North Shore of the Gulf of St. Lawrence, within the limits of this Province, and exceeding the area 1314 million of arpents, the consideration of the subject of the boundaries mentioned in this first paragraph, seems opportune to examine carefully in what manner and how far the descriptions given in Col. Bouchette's works whether in the text, or in the extract of title, contained in the appendix or Topographical Dictionary, accord with the physical outline and general configuration of the shore line of the River and Gulf St. Lawrence, exhibited on the geographical map of the St. Lawrence, accompanying the report.

Without presently enquiring into the authenticity of the description contained in the extract aforesaid, the concession of the 25th February, 1661. to Sieur Frs. Bissot, stands as follows :

" Concession du 25 février, 1661, faite par la compagnie au Sieur Frs. Bissot de la Rivière, à prendre depuis le Cap des Cormorans de la côte du nord jusqu'à la Grande Anse vers les Esquimaux, où les Espagnols font ordinairement la pêche."

" Régistre des Foi et Hommage, No. 78, folio 355."

Now, in the phraseology commonly used in describing boundaries or limits, the word "jusqu'à" means in the English language : at, as far as, or to, for example : as far as "la Grande Anse," and the monosyllable "vers" means toward in the English language, as "toward the Esquimaux" or Blanc Sablon, or some place of note on the coast beyond the proposed or assigned boundary, intended to indicate the direction towards which the given frontage is to be laid off.—Instances of the use of the word "vers" are frequent in the concessions of seigniories in Lower Canada, as in the case of the Seigniory of Champlain, granted to Sieur de la Touche, "d'une demi lieue de terre de front sur le Grand Fleuve St. Laurent, vers les Trois-Rivières." A glance at the district map will show that the River Cham-

plain lies thirty miles below Three-Rivers, yet the intervening space was not intended to be included in the grant of the Seignior of Champlain. Finally the word "anse" may be translated into the english word "bay" or "cove," but neither of them convey the proper meaning of the word "anse" used in a maritime sense—a word commonly applied by french navigators in the St. Lawrence waters to a gradual curving in of the shore to no great depth between prominent headlands causing an expansion of the river's breadth, such as occurs in several places in the south shore of the St. Lawrence, as for instance "l'anse de Kamouraska, l'anse de St. Roch, l'anse de Bellechasse," and other places in the River and Gulf of St. Lawrence, generally called Bays, Coves, etc., etc., on the admiralty charts.

Now when Sieur Bissot, rendered "foi et hommage" on the 11th February, 1668, he did so evidently from a personal knowledge of the localities he so correctly describes as the boundaries of his concession of the 25th February, 1661, to wit: "depuis l'Isle-aux-Ceufs, la dite Isle incluse, jusqu'aux Sept Isles," and would naturally with similar exactness designate the position of "la Grande Anse vers les Esquimaux," where himself and his sons established a fishing, and trading station called the "Poste Mingan, en terre ferme vis-à-vis les Isles Mingan," and situate about twenty miles west of Esquimaux Pointe and Esquimaux Islands, commonly called "les Esquimaux."

Upon inspecting of the map of the north shore of the St. Lawrence, compiled in this Department from the admiralty charts on the large scale expressly to accompany the report, a well defined inward bending of the shore line cannot fail to be noticed East of Cape Cormorant "allant vers les Esquimaux."

This inward curving of the coast more or less indicated by small coves, properly commences at the Headland, called Longue Point on Vendenvil-den's map of 1803, situate near the estuary of the River St. John, in Longitude $64^{\circ} 12'$ west and closes at the conspicuous headland called on Bayfield's map "Clear water point" a few miles East of Esquimaux Point.

In this Bay or Basin lies "off the shore" the larger group of the Mingan Islands opposite which at the Mingan Harbour "en terre ferme" is located the "Poste de Mingan" called on the said Vondenvelden's map the "Mingan settlement" A. Beyond and East of Clear water point, the shore line still curves northward, presenting in the form of a Segment or Elipsis, a larger expansion of the River terminating at Point Natashquan, called on same ancient map "Mont Joli," its greatest depth inland opposite the River Ouitachoomanicouagan not exceeding ten miles from an air line laid from Long Point aforesaid to Point Natashquan, a distance from west towards the East of about one hundred miles.

This broad open Bay or expansion of the St. Lawrence taken together with the Bay described west of Clear water point, rendered further more striking as comprehending the whole of the Islands defined by the name of "Mingan Islands" on the Admiralty charts, and called part of the seigniory of the Mingan Islands on Vondenvelden's said map, compiled under the direction of the late Major Holland, Surveyor General of Lower Canada (it is here worthy of remark there are no Islands of any note along the north coast of the Gulf of St. Lawrence, for at least 130 miles below the last Island of the Mingan group opposite Appetital Bay), is manifestly and beyond a question of doubt "*la Grande Anse vers les Esquimaux où les Espagnols font ordinairement la pêche*," mentioned in the extract herein above quoted from the late Colonel Bouchette's works and which is invoked in the memorandum as evidence of title in support of the claim of the heirs Richardson.

In confirmation of the correctness of the conclusion thus arrived at from the physical structure of the north shore of the St. Lawrence between Cape Cormorant and Natashquan Point especially, as East of the latter Point, to the Eastern limit of the Province, at Blanc Sablon, the coast is indented with deep Bays, with bold headlands, the more important of them distinguished by names in the Esquimaux language, but none of the Bays of such configuration as would deserve the name of "Anse" as above premised.

The late Colonel Bouchette, adhering to the definition of the boundaries of the concession of the 25th February, 1661, given in the extract

and title published in his topographies of 1815 and 1832, accordingly and consistently placed the Eastern limit of the concession of Terra Firma de Mingan at a river of some magnitude called the River Goynish, discharging in the said "Grande Anse" about 18 miles west of Natashquan Point aforesaid, which River Goynish is well indicated on his Geographical map published in 1815, and corresponds geographically with the position of the River Aguanus on Bayfield's charts of the River and Gulf of St. Lawrence.

The Surveyor General, as shall hereinafter be shown, had certainly good and sufficient grounds for thus limiting the concession of 1661 at the River Goynish as well in his publication of 1815, as in that of 1832, a limit which has been followed by the Commissioners under the Lower Canada Tenures Act of 1854, in defining the East boundary of the Seignioriy of Terra Firma de Mingan in the Seigniorial Cadastre No. 108, to wit, the "River Goynish," the position of which river according to the front of 50 leagues given along the St. Lawrence, east of Cape Cormorant, corresponds with the River Goynish of the Surveyor General, and Aguanus of Admiral Bayfield in Longitude 62°, 40' west from Greenwich.

But the Surveyor General, in the text of both his publications, in describing the Seignioriy of Terra Firma de Mingan, makes no mention of or allusion whatever to its territorial extent in depth and would accordingly represent the concession of the 25th February, 1661, to *Sieur François Bissot de la Rivière* as a mere trading post or station, to which is attached "le droit et facilité de chasse et de pêche avec le bois et terrain nécessaire pour faire le dit établissement," from Cape Cormorant along the Labrador Channel to the River Goynish.

As there will be further occasion to recur to the subject of "*la Grande Anse vers les Esquimaux*," and to Colonel Bouchette's works, maps, &c., in some other subsequent observations, no more need be said on this paragraph, except with regard to the matter of the uninterrupted possession of the Seignioriy of Terra Firma de Mingan claimed for over two hundred years by the heirs Richardson. Neither Mr. Anderson, nor Mr. Andrews, in their communications with this Department as co-proprietors,

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appear to claim over a century of uninterrupted occupation or possession, as the former holds to 64 years including 1867, and the latter to one half a century.

The nature or validity, however, of such possession by the heirs Richardson, or through their lessees are at any rate subjects for the consideration and opinion of the law officers of the Crown or tribunals of the Courts of Justice.

Paragraph. 2.—That a concession was made by the Company of New France to Sieur Bissot de la Rivière, the 25th February, 1661, is so declared in the Act of fealty and homage rendered by him on the 11th February, 1668, but that is not presently the question under immediate consideration, the non-existence of a title for the pretended Seigniori of Terra Firma de Mingan, having been conclusively shown in the report of the undersigned herein above alluded to. It is as to the nature as well as to the extent and limits of that concession as described under the circumstance of the stated destruction by fire of the primitive title and of there being no entry or record whatsoever of the concession among the ancient archives of the Province.

The Ordinance of the 12th May, 1733, happens, however, to be the only certain authority that throws light on the subject of informations sought for, as it recited the Act of fealty and homage rendered by the said Bissot on the 11th February, 1668, "au papier terrier de la Compagnie Royale par le dit défunt Frs. Bissot de la Rivière, dans lequel est énoncée la concession à lui faite par la dite Compagnie le 25 février 1661, de l'Isle aux Œufs, &c."

The nature of the concession is next made sufficiently apparent by the words in the "aveu avec le droit et faculté de chasse et de pêche et d'établir en terre ferme la pêche sédentaire," whilst its extent and limits are defined as follows: "depuis la dite Isle aux Œufs, la dite Isle comprise, jusqu'au Sept Isles et dans la Grande Anse vers les Esquimaux où les Espagnols font ordinairement la pêche."

In the declaration thus rendered by Sieur Frs. Bissot, in person, only seven years after the grant of the concession of Isle aux Œufs, the 25th

February, 1661, he acknowledges the privilege therein granted to him of establishing sedentary fisheries "en terre ferme aux endroits qu'il trouverait les plus commodes depuis l'Isle aux Œufs jusqu'aux Sept Isles." But having abandoned, as the Ordinance of the 12th May, 1733, intimates, their concession of Isle aux Œufs, the said Bissot and his sons subsequently established a fishing and trading station "au lieu dit Mingan, au-dessous de la Rivière Moisy," which is unquestionably identical with the place called "Poste de Mingan" on the ancient map published in France by the Maréchal de Castries, letter G, on Pinnal's map of 1755, also on Vondenvelden's map of 1803, as the Mingan settlement, and represented on Bayfield's map of the Gulf of St. Lawrence as the "Hudson's Bay Company Post, Mingan Harbour."

This fishing and trading station, better known under the name of "Poste de Mingan" and so indicated in the ordinances of the year 1733, continued to be held and occupied by the heirs Bissot under the possible presumption that the avoué of Frs. Bissot, senr., of the 11th February, 1668, was a sufficient warranty for that occupation until they were called upon in 1732 by the authorities to produce a title therefor.

Paragraph 3.—It therefore seems somewhat extraordinary in the face of the declaration rendered by Sieur Bissot in 1668, that the language of the original grant of the 25th February, 1661, should be quoted in the memorandum, when according to the declaration of the heirs Bissot (in 1733) the title was destroyed by fire in the Lower Town of Quebec, about "52 years" before that Ordinance, say, about the year 1681." This account, however, scarcely agrees with the declaration (a century after the fire in the Lower Town of Quebec) of the heirs Bissot, Messrs. Grant, Dunn, de Lagorgendière, &c., contained in the unauthenticated Act of fealty and homage they presented themselves to render, on the 28th May, 1781, before His Excellency General Frederick Haldimand, for the concession of the 25th February 1661, "dont le titre est adhéré et qu'on croit avoir été brûlé dans l'incendie du Palais de l'Intendant il y a cinquante ou soixante ans," that is to say about the year 1730, three years before the Ordinance of 1733 !!!

From such conflicting declarations it is a matter of doubt whether such a concession as the 25th February 1661, was ever made by the Government of France in Canada, as no record of it, as already stated, is to be found among the archives of this Province.

Paragraph 4.—It was the Ordinance of the 23rd and not the Ordinance of the 12th May 1733, which latter re-united to the "Domaine de Sa Majesté" the concession of the 25th February 1661, that establishes on the St. Lawrence "les limites du Domaine," to wit: "depuis l'Isle aux Coudres jusqu'à deux lieues au-dessous des Sept Isles" within which Sieur de Callieres, "adjudicataire des fermes unies de France et du Domaine d'Occident" was granted the privilege of hunting and fishing in the rivers therein comprehended and carrying a trade and commerce with the Indians "à l'exclusion de tous autres dans l'étendue du Domaine du Roi depuis l'Isle aux Coudres, &c., et au bas sera borné, en conséquence de notre ordonnance du 12 du present mois, par le Cap des Cormorans, jusqu'à la hauteur des terres dans laquelle sera comprise la Rivière Moisy."

The concession of Isle aux Œufs was therefore not deemed to extend below the Sept Isles which had been re-united to the Domaine by the Ordinance of the 12th May. But the Ordinance of the 23rd May in erecting "les limites du Domaine" known as the King's Posts subjoined for that object to the cancelled concession of Isle aux Œufs, the vacant space on the St. Lawrence below the end of the two leagues "au-dessous des Sept Isles" and "Cap des Cormorans" situate about four or five leagues "au-dessous de la Rivière Moisy" then evidently forming no part of any previous concession by the Governors or Intendants of Canada.

The re-union in fact to the Domaine of the concession of Isle aux Œufs, by the Ordinance of the 12th May 1733, was a consequence of the abandonment by the heirs Bissot of the concession and their removal to another locality, wherefor they were served in due form by Bailiff, at the instance of Sieur Cugnet, under the authority of the Ordinance of the 26th September, 1732, with a notice to that effect "que les dits défendeurs furent tenus de représenter et produire à notre Secrétariat les titres en vertu desquels ils seront mis en possession et jouissance de l'étendue de pays qu'ils occupent à la terre du nord au-dessous de la Rivière Moisy."

It is worthy of remark that at this period "le poste de Mingan" had become somewhat notorious for the illicit trade in liquors carried on with the Indians contrary to law, and a subject of complaint to the Governors and Intendants. Hence the Ordinance of the 2nd May 1733 "sur les différentes plaintes des désordres considérables qui se passent dans le poste de Mingan par l'ivresse et l'usage immodéré d'eau-de-vie, contraire aux défences qui ont été faites par Sa Majesté, notamment celle portée dans l'Ordonnance du 6 mai 1702, etc., etc."

The year, it may be well to remark, in which the Seigniorship at Kegashka was granted to Sieur Lagorgendière.

Letting aside the petition of the Defendants in reply to the above mentioned notification that they be maintained in the possession and enjoyment of the land conceded to the late Frs. Bissot "suivant titre de concession du 25 février 1661, énoncé en l'acte de foi et hommage du 11 février 1668. Mr. Cugnet in his capacity of "Directeur du Domaine de l'Occident" condemns the defendants to pay up "*les arrérages de la redevance annuelle de deux castors d'hiver ou dix livres tournois depuis l'année 1661.*" Mark well that this redevance is precisely the same mentioned in the act of fealty and homage rendered by Frs. Bissot, the 11th February, 1668, which is invoked in the prayers of the defendants.

Thus conclusively showing that the "redevance annuelle" applied not only to a part but to the whole of the concession of l'Isle aux Œufs reunited to the Domain.

In further proof of the correctness of this conclusion and to show how groundlessly the assertions in these paragraphs are advanced, the heirs Bissot, defendants in the process thus served on them were further held to pay dues "pour la traite qu'ils ont faite à Mingan, et qu'ils fussent tenus de prendre nouveau titre (titre nouvel as asserted in the memorandum,) pour l'établissement par eux fait du dit Mingan, à commencer à la Pointe des Cormorans en allant à la Baie des Espagnols, sur tel front et profondeur et sur telle redevance qu'il plaira à Sa Majesté leur accorder."

It may be fairly asked how this judgment can be construed into a recognition of the old title or confirmatory of a pre-existing one, when furthermore the Intendant Hocquart absolutely rejects the petition of the heirs Bissot to be maintained in the occupation "de l'étendue du pays" they had thus occupied without leave or license, unless at the express condition of their taking up a new title "nouveau titre" containing the stipulation of front and depth and fixing the redevance to be paid to the Crown; does not in fact this negation to their petition constitute a legitimate interruption to the alleged 200 years of uninterrupted possession which, according to Mr. Anderson's statement, would only have been resumed in the year 1803 for the part above the Oromaine, and 1804 for the part below the River Oromaine.

Obviously the insertion of the dimensions in the new title would have given a territorial consistence to their concession (whether under the designation of Mingan or another name) which the old one of the burned title evidently had not.

But no such "nouveau titre" was granted by the Government of old France or Canada to the heirs Bissot or their representatives for reasons no doubt "best known to themselves" whilst their persisting to occupy unauthorized without payment of any redevance to the Crown, may have misled the public authorities in the promulgation of the regulation under the Ordinance of the year 1736.

Paragraph 7.—Admitted and re-united to the Domain.

Paragraph 8.—Also admitted as both are mentioned in the Ordinance of the 12th May, 1733.

Paragraph 9.—The heirs Bissot, in the process instituted against them, under the Ordinance of September 1732, for their occupation "de l'étendue du pays au-dessous de la Rivière Moisy," the "Directeur du Domaine, Sieur Cugnet" being fully cognisant of the fact of their having abandoned "depuis longtemps leur concession de l'Isle aux Œufs", set up, in their justification for the trespass by them committed, the Act of fealty and homage

rendered by their parent "défunt Sieur Frs. Bissot" of the 11th February, 1668, declaring the original to have been destroyed by fire, as computed in the memorandum, in about the year 1681, whilst another déclaration of the representatives of Bissot, rendered in the unauthenticated Act of 1781, supposes it to have occurred in or about the year 1730, and in the "Acte de notoriété" it is stated to have taken place in the year 1713. More of this hereinafter.

Taking the words "depuis longtemps" as the text, a somewhat important inquiry is suggested on the "quiet and uninterrupted possession of 72 years." It may be here asked when or how long after the year 1668, did the heirs Bissot abandon their concession "de l'Isle aux Œufs" of the 25th February 1661, and establish themselves "au lieu dit Mingan au-dessous de la Rivière Moisy;" certainly the words "depuis longtemps" mean at least the lapse of half a century, and it is quite reasonable to suppose that the elder Bissot contemplated, if he had not already done so, removing "au lieu dit Mingan" when he made his declaration or aveu in 1668. "Et dans la Grande Anse vers les Esquimaux où les Espagnols font ordinairement la pêche."

There are no means of ascertaining what really was the primitive title of the concession of 1661, whether the words in the aveu of Frs. Bissot of 1668, "et dans la Grande Anse vers les Esquimaux où les Espagnols font ordinairement la pêche," were at all in the primitive concession granting to him the privilege of establishing sedentary fisheries between the limits given "depuis l'Isle aux Œufs jusqu'aux Sept Isles."

The fact, however, of the defendants being condemned to pay further dues for their occupation "au lieu dit Mingan" and to take out "nouveau titre" with special conditions of limits, would evidently lead to the conclusion that the primitive title contained no such words. Hence that occupation by the said heirs Bissot "de l'étendue de pays au-dessous de la Rivière Moisy" was viewed in the light of a trespass on the Domain of His Majesty.

The interpellation itself which brought this result has besides much significance as indicating the near proximity of the new establishment "au

lieu dit Mingan dans l'étendue de pays au-dessous de la Rivière Moisy " to the concession of l'Isle aux Œufs, for even admitting the words "au-dessous" to mean 5, 10 or even 15 leagues below the River Moisy, as might in like manner be inferred from the Ordinance of the 23rd May 1733, in defining "les limites du Domaine" the words "au-dessous de la Rivière Moisy" to apply to the "Poste de Mingan au lieu dit Mingan" would not assuredly imply a distance of 130 leagues, down the coast of the St. Lawrence then a *terra incognita*, now claimed for the concession of "Isle aux Œufs" of the 25th February, 1661. But in point of fact the "lieu dit Mingan" identified as the "Poste de Mingan" indicated on ancient maps "du fleuve St. Laurent," lies in the vicinity and west of "la Grande Anse," described in the aveu of Sieur Frs. Bissot, 11th February, 1668.

Paragraphs 10 & 11.—This to say the least, is a most groundless assertion, inasmuch as there is not a word or sentence in the Ordinance to recognize any precise boundaries whatever towards the East for the Eastern boundary; but on the contrary it peremptorily directs "que les défendeurs fussent tenus à prendre nouveau titre à commencer à la Pointe des Cormorants allant vers les Espagnols, sur tel front, etc.," meaning towards "les Espagnols" or a definite distance in the direction of or towards "les Espagnols", subject besides to a *redevance* to be paid to the Crown therefor.

It is unnecessary after what has been shown already in the preceding observations to dwell further on these paragraphs.

Paragraph 12.—The supposed destruction by fire of the original title has already been noticed.

Paragraph 13.—The recommendation to the heirs Bissot to take out a new title "nouveau titre" not (titre nouvel) "pour l'étendue de pays au-dessous de la Rivière Moisy au lieu dit Mingan" or "Poste de Mingan" is twice mentioned in the Ordinance of the 12th May 1733.

Evidently some advantage is hoped to be derived favorable to the pretension of the Representatives of Bissot, in their persisting to substitute the words "titre nouvel" which are not in the Ordinance, for "nouveau titre" recommended in the Ordinance.

However, the device that the end justifies the means, seems to pervade the memorandum, but it cannot seriously obtain in a discussion involving a million and a half of acres of the Public Lands of this Province.

Paragraph 14.—A careful examination of the "formal judgment" here invoked dated 2nd May 1786, will be found to elicit some important facts confirmatory of the conclusions of the report and a great deal more than expected of it by the framer of the memorandum, the invocation of "*la Seigneurie de Terre Ferme de Mingan et ses dépendances*" to the contrary nevertheless.

The judgment summarily relates to a matter of dispute about the trade at Mingan. *Sieur de Handebourg* who was both heir and lessee of the "*Poste et terre ferme de Mingan*" apprehending that one *Sieur Martel de Brouague* intended to come down (possibly from Quebec) and stop at the said poste de Mingan, and thence proceeding in a canoe to Labrador, would on his way trade with the Indians and thereby entice them away from the "*Poste de Mingan*" which would become deserted. Hence the complaint to the Intendant of Police.

The defence therefore of *Sieur de Brouague* "*qu'il n'entend point traiter avec d'autres sauvages que ceux qui vont et viennent sur sa concession et sur celle appartenant au Sieur de Lavaltrie, à vingt-deux lieues de la Baie Phelippeau*" being heard, the judgment rendered thereon by the Intendant was as follows: "*En conséquences faisons défenses au dit Sieur de Brouague et a tous autres de traiter avec les sauvages autres que ceux qui se trouvent sur leur concession.*"

An attentive consideration of this formal judgment naturally suggests the enquiries as to where are situate the concessions of *Sieurs de Brouague*, de Lavaltrie and others, where is Labrador, where does it commence as distinguished from "*les côtes du Nord*," localities invoked in the action under the police regulation of 1786, and evidently indicating them to be far remote from the "*Poste de Mingan*," the enquiry might also include "*la Baie des Phelippeaux, Baie des Esquimaux, Baie des Espagnols.*"

A glance on the Admiralty map of the Gulf of St. Lawrence, referred

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and annexed to the report, will readily supply much of the information sought for, which, joined to the exhibit of the River and Gulf of St. Lawrence on several ancient as well as later authoritative maps cannot fail of determining the respective position of the different Bays claimed in the memorandum for the Eastern boundary of the "Terre Ferme de Mingan."

On the admiralty map above referred to, which is sheet 1st of the River and Gulf of St. Lawrence, are drawn for the present purpose, in red ink lines, the several grants made by the Governors and Intendants of Nouvelle France to divers persons therein named for the purpose of carrying on sedentary fisheries, with the exclusive privilege of trading with the Indians "à la côte du Labrador."

These concessions to the grantees "en terre ferme," which were for limited periods, some for life, occupy all that extent of the coast of Labrador lying between the concession to Sieur Le Gardeur, at the River Kegaska, and the concession to veuve Farmel at or near Blanc Sablon.

Among these are the concession to Sieur de Brouague, and to Sieur de Lavaltrie, mentioned in the defence aforesaid, the former situate at the "Baie des Esquimaux," and the latter about 60 geographical miles or 22 leagues west from the "Baie des Phelippeaux."

As herein-before stated, Mr. T. B. Anderson for himself and the "coproprietors," claims the "Baie des Esquimaux," and the memorandum the Bay "des Philipeaux," or "Baie des Espagnols" for the eastern boundary of the "Terre Ferme de Mingan."

The true position of which localities appears now to be the question to be investigated and definitely determined in connection with that of "La Grande Anse où les Espagnols font ordinairement la pêche."

To arrive at a solution of the question it is of moment preliminarily to enquire where the coast commonly called "Labrador" or Côte de Labrador" east from the Strait of Belle-Isle terminates on the north shore of the St. Lawrence, which, by implication, would indicate where "la Côte du Nord du Fleuve St. Laurent" commences.

The former designation being used in the concession above mentioned for the sedentary fisheries, from Kegashka to Anse au Sablon, and the latter used in the notification served on the heirs Bissot under the ordinance of 1732, in reference to their occupation, "*de l'étendue de pays à la Côte du Nord au dessous de la Rivière Moïsy.*"

No sufficiently certain definition however of any divisional limit between these distinctive characteristics of the St. Lawrence, "*la grande Rivière du Canada,*" is obtainable from maps or descriptions pointing to any marked feature or difference in the physical structure of the shores of the River as contradistinguished from those of the Gulf, the latter being better understood under the designation of the coast of Labrador.

The nearest approximation to any positive definition is to be found under the head "Indians" of the Topographical Dictionary of 1832. "In 1804 there were about 1000 of these Indians, men, women and children, included between the River St. Maurice, King's Posts, *Mingan Seigniority and Coast of Labrador.*"

It is however an historical fact that mariners and navigators of almost all nations, especially those of Spain, Portugal, Italy, England and France, more particularly Spain and France, frequented the Gulf of St. Lawrence at a very early period of its discovery on account of its valuable and inexhaustible fisheries, also for the purpose of trade and traffic in furs and peltries with the Indian tribes inhabiting especially the vast territory on the north shore of the River and Gulf of St. Lawrence.

The Esquimaux may be considered as the primeval aboriginal native tribe that inhabited, at the period of the discovery of "*la Nouvelle France,*" that section of the country extending back into the interior along the River and Gulf of St. Lawrence below the Betsiamites. Later, Sieur de Champlain on his map entitled "*Le Canada,*" 1664 (Letter G.), three years after the concession to Sieur Bissot, the 25th February, 1661 (trace letter C.) designates that section of country "*au Nord de la Grande Rivière du Canada,*" or St. Lawrence, as divided into five parts or districts, namely: Saguenay, Betsiamites, Esquimaux, Quartier and Brest.

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The Saguenay, extending down from the Saguenay River to the Betsiamites, containing the Post and Seignior of Portneuf. The Betsiamites from the said River Betsiamites to a large river, possibly the River Moisy, containing the Post of Isle Jérémie, Isle Aux Oeufs and the Sept Isles; the Esquimaux, thence, as far down as a large Bay, which, to judge of the distance by scale, is most probably "La Grande Anse ou Baie des Espagnols," containing the Post de Mingan, the Isle Mingan, and the Esquimaux Islands. Next, the division called Quartier, as far down as a large and deep Bay opposite the entrance of the Strait of Belle-Isle, containing the Kegashka, Oromaine, St. Augustin Bay, the Mecatine Island, Esquimaux Bay, and Bay Brador or Bay Phelippeaux; finally Brest along the Strait eastward to the Atlantic seaboard.

This map of Champlain as contemporary with the period of the concessions, presently under discussion, appears deserving of further notice.

The "Esquimaux" division represented on it geographically corresponds, as nearly as the small scale of the map will admit of exact measurement, with the extent of country shown on later maps, as lying between the River Betsiamites and Mont Joly opposite the Island of Anticosti, the direction whereof on the map, although upwards of two centuries old, lies under the same angle with the line of coast as is now shown on Bayfield's Maps.

"Les Esquimaux" at the time of the act "d'aveu" of Sieur Frs. Bissot in 1668, was then a known locality when he defined his fishery and hunting ground, "dans la Grande Anse vers les Esquimaux," and is a proof of the personal knowledge he had of the place he so correctly describes in his declaration, which the Heirs Bissot set up in their justification for their occupation: "de l'étendue de pays au-dessous de la Rivière Moisy;" whilst on the other hand, the country below les Esquimaux was known under the Indian name of Ketsingouesse on Joliet's map (D) and represented on Champlain's map (C) of 1664, under the designation of "P" Quartier, to which "l'étendue de pays" could not be presumed to apply.

It may not be altogether irrelevant to notice here the circumstance of a very old legend, traditionary among the resident Indians and inhabitants at

Esquimaux Point, situate about 20 miles below the "Poste de Mingan" and opposite the group of the Esquimaux Islands, shown on Vondelvelden's, Lieutenant-Colonel Bouchette's, and several other maps of the Gulf of St. Lawrence, according to which legend a great battle was fought at "Pointe des Morts" still pointed out, between the Esquimaux and Algonquins, of which last mentioned tribe, it appears the present Montagnais are descendants; in which battle the former were beaten and compelled to abandon their hunting and fishing grounds of Mingan, and to remove lower down the coast of the St. Lawrence, an event which may account for the duplicate names of Esquimaux Islands situate in the "Baie des Esquimaux" opposite the Strait of Belle-Isle.

Further evidence will be hereafter adduced of the correctness of that part of the description in "Sieur Bissot's declaration of 1668, at "la Grande Anse où les Espagnols font ordinairement la pêche," as identical with la Baie appelée l'Anse aux Espagnols" designated as the limit of the Seigniory "des Isles et Islets de Mingan."

Paragraph 15.—The description in the deed of lease, quoted at length in this paragraph, relative to the Seigniories "des Isles et Islets de Mingan" and of the Island of Anticosti, will, however, materially assist in solving the question which the enquiries on the subject of the "formal judgment of 1736" suggested in respect to the coast of Labrador and "La côte du Nord," although the deed itself is of questionable validity under the circumstance of the locality therein referred to forming at the date of the lease part of the adjoining Province of Newfoundland, nevertheless will answer the purpose of defining the seigniory "des Isles de Mingan" to be situate "au nord dans le fleuve et golfe St. Lawrence depuis les Cap des Cormorans et qui se suivent jusqu'à l'Anse aux Espagnols au Baie Phelippeaux valquièrement appelée "Labrador" consequently placing the western limit of the Seigniory in the River and its Eastern in the Gulf of St. Lawrence.

According to the quotation of the title of the Seigniory of the Mingan Islands, page 2, of the memorandum, the concession des "Isles et Islets appelés Mingan," bearing date 10th May, 1679, and ratified by His Majesty 29th May, 1680, is described as "étant du côté du nord et qui se suivent

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jusqu'à la Baie appelée l'anse aux Espagnols, pour en jouir, etc.; it may be asked by what right or in virtue of what title the proprietors of the said concession assume to add to the above description the "Baie Phelippeaux" situate according to Mitchell's Map (Letter B.) about 30 miles east of the "Baie des Esquimaux," and evidently identical with "Brador Bay," on the Admiralty charts.

By thus substituting in the lease the "Baie Phelippeaux" in the stead of "La Baie des Espagnols" as immediately in "front and of the same extent as the main Seigniory of Mingan," upwards of 200 miles frontage was added to both seigniories along the coast "vulgairement appelée Labrador," whereby the proprietors of the Seigniory of the Mingan Islands compass a much larger extent of Islands than is warranted by the primitive concessions, such as the Mecatinas, the St. Mary's, the large islands in the St. Augustin Bay, in fact, the entire Archipelago of Islands extending from Cape Whittle to Isle au Bois (exclusively) represented on the Admiralty charts of the Gulf of St. Lawrence, islands of the greatest importance in a commercial as well as in a maritime point of view.

The above fact carries with it the presumption that the proprietors had previously obtained some certain knowledge of the true position of the "Baie des Espagnols," or why such another designation, especially as they could not reasonably claim two different boundaries for the eastern limit of the Seigniory "des Isles et Islets de Mingan," no more than for that of Terra Firma; for it will be proved beyond a question of doubt in the succeeding observations that the "Baie appelée l'Anse aux Espagnols" is not only not identical with the Baie Phelippeaux but that they are on the contrary situate some 200 miles apart, along the coast "vulgairement appelée Labrador."

The proprietors in support of this unjustifiable accession of extent to the concession "des Isles et Islets de Mingan," readily invoke the Police regulation of Oct. 1748, a regulation which, in fact, confirms the proprietary occupation by the concessionnaires of the concession "vis-à-vis les Isles et Islets de Mingan," part of the territory claimed for the supposed Seigniory of Terra Firma de Mingan.

However, upon an attentive reading of the above-cited police regulation, even from the preamble as follows, a different conclusion is arrived at, as "sur les contestations survenues entre les feu Sieur Pommerais, *propriétaire* d'un terrain de cinq lièues de front à la côte de Labrador, au lieu appelé Gros Mecatina et les héritiers Jolliet et Lalande, propriétaires des Isles Mingan en vertu de la concession du dix Mars, 1679;" it appears manifest that the Governor and Intendant Beauharnois and Hocquart intended only thereby to justify the proprietors in the possession "de la seigneurie des Isles et Islets de Mingan" granted to them by Duchesneau the 10th March, 1679. Supposing possibly that the "Baie appelée L'Anse des Espagnols" was situate beyond the disputed concessions "des propriétaires en Terre Ferme," probably the Bay called Spaniard Bay, situate near the Atlantic seaboard, at the entrance of the Strait of Belle-Isle, some 40 or 50 miles east of Bay Phelippaux shown on Jefferie's map of Canada, published in 1777 (trace letter E).

Such a pretension in our present knowledge of the Gulf shores obtained within the last 100 years from the surveys of Debarres (letter F.), Major Holland, the Hydrographical charts of the St. Lawrence and the variety of authentic historical records of the old French names of places given by the early navigators of the River and Gulf shores, collected by Mr. P. L. Morin, by authority of the legislature and deposited in the public institutions in Canada, could not well be entertained, the police regulations of 1736, 1739, 1748, nothing to the contrary notwithstanding. The question then arises as to the true situation of the "Baie appelée l'anse aux Espagnols," the determination of which and of the Seigniorship of Mingan Islands, granted by the Intendant Duchesneau to Sieurs Louis Jolliet and Lalonde, 10th March, 1679, would likewise define the limits of the Seigniorship of "Terre Firma de Mingan." "The two Seigniorships," asserts the memorandum, "having been recognized as co-existing seigniorships, in the possession of the present proprietors and their auteurs for more than 200 years without trouble or molestation." By-the-way the memorandum makes here a slight mistake of about one quarter century between the periods of one of these concessions and the present time.

To solve the question above stated, no better authority can be consulted than the maps published at a very early period of the discovery of the Gulf

of St. Lawrence by the celebrated geographer and discoverer "Sieur de Jolliet," himself, one of the grantees of the concession "des Isles et Islets de Mingan," and grantee of the Island of Anticosti, which map is entitled "Carte générale de la France septentrionale concernant la découverte du pays des Jelinois par le Sieur de Jolliet, dédié à Monseigneur Colbert par "Duchesneau, Intendant de la Nouvelle France" (Trace letter D).

On this map, constructed on a geographical projection, the longitudes thereon being reckoned from the meridian of Paris, are exhibited the Bays, Rivers and Islands and the River and Gulf of St. Lawrence involved in the present inquiry, which, with the aid of the Admiralty charts of those localities and the corroborative information derived from old French maps as well as those of later date, of that section of Canada will, combined, no doubt establish in a definite manner, the respective limits of the co-existing seigniories "des Isles et Islets appelés Mingan et Terra Firma de Mingan."

Beginning, then, with the River St. John, the same which by the proclamation of 1763 formed the eastern limit of the old Province of Quebec, and again under the Imperial Act 43 Geo. III, chap. 33 (1809) the eastern limit of the Province of Lower Canada, from which by the Imperial Act 6 Geo. IV, chap. 59, the boundary of the Province was extended along the coast of Labrador to "anse au Blanc Sablon," the present eastern limit of the new Province of Quebec, is evidently represented on Mr. Jolliet's map as a stream of considerable magnitude, and apparently the largest tributary of the St. Lawrence on the north shore of the River and Gulf of St. Lawrence below the River Betsiamites.

The River Esquimaux is not named on the map, but its place is sufficiently indicated by the deep indentation of the coast opposite the Strait of Belle-Isle, and which must also be meant for the Baie Phelipeaux or Bradore, but in any case no importance seems to have been attached to these localities on the early map of the St. Lawrence, apart from the mention of the Baie des Espagnols, Isle Anticosti, Isle Mingan and River St. John.

The River St. John on this map discharges itself into the St. Lawrence about midway between the "Sept-Isles" on the west, and "Isle Mingan" on east, somewhat nearer the latter. The Sept-Isles are represented by as many

small zeros, the Mingan Islands by five, some rather larger than the others. "The Baie des Espagnols" on the east side of the mouth of a larger stream easily identified as the great River Natashquan, is well defined, so is the Island of Anticosti; also that part of the north shore of the River St. Lawrence east from the "Baie des Espagnols" called "Ketsionyoussé," which appears indented with several large Bays until opposite the coast of Newfoundland, written "Grace," from which it is separated by what appears to be the Strait of Belle-Isle to its estuary in the Atlantic Ocean.

Judging from the relative positions of the above named places on Sieur Jolliett's Map, their approximate distances one from the other can easily be deduced with the aid of the admiralty charts; thus the "Baie des Espagnols, as near as can be, lies east of the I. Mingan, about twice the distance that these Islands lie east of the estuary of the River St. John, that would place the Baie des Espagnols, according to Bayfield's Map, about one hundred miles east from the River St. John; finally nearly due south from the Bay, lies the Island of Anticosti, granted to the author of the map, by Duchesneau, intendant of La Nouvelle-France, the 10th March, 1680.

The above mentioned localities as relatively situate with each other on Mr. Jolliett's Map, will be found upon inspection to accord with remarkable general precision with the admiralty map of the Gulf, as likewise with regard to unnamed places indicated on Sieur Jolliett's Map, situate in the vicinity of the strait of Belle-Isle. Now, assuming that the deep Bay opposite the entrance of the strait indicates the "Baie des Esquimaux" of Mr. Anderson, on the Bay Phélippeaux, of Mitchell's Map B, or of Jeffery's Map F, or Bradore Bay of the admiralty map, under the letter X, the "Baie des Espagnols" on Mr. Jolliet's Map, which lies west of X, three parts of five of the whole distance between the said Bay X, and the River St. John, would according to the admiralty chart, place Bradore Bay, 300 geographical miles below or east of the River St. John, and place the Bay or X, about 200 miles east of the "Baie des Espagnols" inserted on Mr. Jolliet's Map.

It is also worthy of remark, that on this map, there are no Islands of any note intervening between the group of the I. Mingan and the "Baie

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des Espagnols" nor are there any, save but small Islands inshore shown on the admiralty chart, between the Esquimaux Islands, represented as the eastern group of the Mingan Islands, and Point Natashquan or "Mont Joli."

A line drawn due south from the "Baie des Espagnols" or the mouth of the large river represented on the west side of it on Jolliet's Map, identified as the River Natashquan, will intersect the easterly extremity of the Island of Anticosti, corresponding very nearly with the relative position of the "Baie des Espagnols" and the Island of Anticosti, on the admiralty chart of the Gulf of St. Lawrence.

It would in fact, be superfluous to note any further coincidences between the places mentioned on Sieur Jolliet's Map and the admiralty charts.

Upon a review of the general delineation of the shore line of the St. Lawrence, the respective position of the Island of Anticosti, the Sept Isles and the I. Mingan, with regard to the position of "Baie des Espagnols" designated in the concession "des Isles et Islets de Mingan" as "la Baie appelée l'Anse aux Espagnols," it cannot for a moment be questioned that the said "Anse aux Espagnols" is identical with the "Grande Anse vers les Esquimaux," described in the observations under the 1st paragraph of the memorandum in which the late Colonel Bouchette, with remarkable precision of judgment, from the materials he must have had before him, defined the River Goynish as the eastern limit of "la Terre Ferme de Mingan."

Paragraph 16.—It is the province of the law officers of the Crown, or the tribunals of the Courts of Justice to pronounce on the validity of this and other notarial acts under such circumstances, as in October, 1766, the land claimed for the stated Seigniory of Terra Firma de Mingan, east of the River St. John, formed part of the neighbouring province of Newfoundland, and subject to the laws and regulations established by the government.

Paragraph 17.—Inasmuch as the subject of the unauthenticated act of the 28th May, 1781, has been fully investigated in the report, no more need be said on this paragraph, than merely briefly to state the facts, that the

parties to the proposed act presented themselves for that purpose, as certified by Mr. Cugnet, the clerk of the "Terriers" at the foot of the entry of that act in the 1st vol. "des foi et hommages," No. 78, folio 353, but no act under the customary formalities was matured. The usual preliminary act had been indeed prepared, containing the citation of the documents produced, and the declarations of the parties wherein no documentary evidence of title was produced, as in the instance of the stated Seigniorship of Terra Firma of Mingan, by the legal representatives of the late Frs. Bissot de la Rivière.

The act was entered at length in the register on record above mentioned, but was never authenticated by the signature of the then Governor of the Province, nor of the signature of the Attorney General, secretary of the Province, nor that of the clerk of the "Terriers" Frs. Joseph Cugnet, as customary; (see the preceding entries of acts of fealty and homage in the same register.)

The entry of the act, however, as it is, as may be again adverted to, is otherwise of importance as containing the declaration of the parties now claiming no less than one fourth part of the frontage presented on the north shore of the St. Lawrence, between the western and eastern limits of the Province of Quebec, "quant au Fief et Seigneurie de la Terre Ferme de Mingan, les dits comparants nous ont déclaré que la dite seigneurie commence au Cap des Cormorans, à la côte du nord jusqu'à la Grande Anse vers les Esquimaux, où les Espagnols faisaient ordinairement la pêche, sur deux lieues de profondeur, qui a été concédée par la compagnie à Frs. Bissot de la Rivière."

The foregoing description it is well to observe, is substantially similar to the extract given in the appendix of the late Colonel Bouchette's Topography of 1815, and in the Dictionary, or 2nd volume of his work on the British Dominions, published in 1832. The discussion on which subject, which the remarks on the memorandum have given rise to, only proving the author's discernment and a knowledge of the circumstances relating thereto in defining in the text of these works, the eastern boundary as limited at the River Goyinish.

Paragraph 18.—The reference in this paragraph to a certain official statement of the title of the ancient concessions of lands in Lower Canada,

purpose, as certified by the entry of that act, but no act under the said act had been produced, and no evidence of title of Terra Firma of the Rivière.

Record above mentioned then Governor General, secretary of Joseph Cugnet, and homage in

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entirely similar Bouchette's Topography work on the which subject, so, only proving instances relating to boundary as

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published by Wm. Vondenvelden, Esquire, in 1808, upon investigation, may not prove more successful to uphold the claim of the heirs Richardson, than has been the "formal judgment" or police regulation of 1786, invoked in the memorandum; indeed the research it has led to, may possibly have a fatal result on the pretensions they therein set up to no less than the whole of the territory of Labrador, within the boundary of this Province under the assumed name of "Seigneurie de Terre Ferme de Mingan."

It may be as well to premise that upon a comparison of the description quoted from the official statement "and the extract" given in the late Colonel Bouchette's Topography, already adverted to in the observation on the 1st paragraph, will readily indicate the source whence the latter was derived, whilst the quotation itself is nearly in the same words of the declaration of the heirs and representatives of the late Frs. Bissot de la Rivière, contained in the unauthenticated act of fealty and homage of the 28th May, 1781, register vol. 1st, No. 78, and folio 353, with this difference that in the declaration which should be in the authentic document, the word "jusqu'à" instead of "dans la Grande Anse, etc.," is inserted in the lieu of 1668.

Upon a renewed search among the old files of the late Surveyor General's Office of a century back, no record of the official statement alluded to was found. However, two very important official documents relating to the Seigniories of the late Province of Quebec, and the late Province of Lower Canada were discovered which have a direct bearing on the question under consideration. One is a list of grants in Seigniorie and Roture by the French Crown in Canada, bearing date, Surveyor General's Office, Quebec, 27th Sept., 1790, and signed Samuel Holland, Surveyor General, and by John Collins, Deputy Surveyor General. The list, which is in the exclusive handwriting of the late Mr. Chalmers, an experienced clerk of the Surveyor General's Office, who wrote the descriptions in Registrar A of land patents in 1764, contains five columns arranged by Districts, distinguishing those on the north shore from those on the south shore of the St. Lawrence.

The first column contains the grantees names.

The second " " date of grant.

The third " " " of ratification.

The fourth " " quantity of acres.

The fifth " " the names of the seigniories.

The following Seigniories are therein mentioned under the general head.—Islands in the St. Lawrence.—

GRANTEES NAMES.	DATE.	RATIFICATION.	QUANTITY OF ACRES.	NAMES OF SEIGNIORIES.
Jacques de La- lande & Heirs of Louis Jolliet, — Heirs of de La- lande	10th March, 1679.	19th May, 1680.	.	Isles et Islets de Mingan, from the Isle-aux-Ceufs to l'Anse des Espa- gnols.
Louis Jolliet.....	March, 1680.	29th May, 1680.	1,664,000	L'Isle d'Anicosti.

Upon a careful examination of the list, it evidently contains no entry or mention of the Seignior of Terra Firma de Mingan or of the concession of the 25th February, 1661. This omission is, however, corroborative of the fact of there being no extracts of titles of the Seignior of Terra Firma de Mingan, among those furnished by the Secretary of the Province, the Hon. G. Pownall to the Surveyor General, Major Holland, to construct the District Maps of the Province, ordered by Lord Dorchester, in 1784.

The next document which is in the well known handwriting of the late Beranger Hay, Esquire, then acting Deputy Surveyor General, is endorsed, " General statement of the Grants' en Fief et Seigneurie, and of those en Roture, in the Province of Lower Canada," dated (at foot) Surveyor General's Office, Quebec, 31st July, 1805, (the day on which the Honorable Thos. Dunn, one of the proprietors of Mingan, was inaugurated

President of the Province of Lower Canada.) The statement enumerates the seigniories in alphabetical order by Districts.

The first column contains the name of the seignior.

The second " " date of the grants.

The third " " the quantum of arpents.

It was compiled under the supervision of the late Joseph Bouchette, Esquire, whilst Deputy under Major Holland, from 1791, until appointed in England, Surveyor General in 1805. During which period, the staff of the Surveyor General's Office, may be said to have consisted of William Vondenvelden, Deputy to the Surveyor General, Beranger Hay, Col. Nathaniel Coffin, J. Bte. Duberger, senr., Joseph Meric and Robert Smith, Esqs., draughtsmen.

In the compilation of this statement which might be possibly be a copy of the identical "official statement," alluded to in the memorandum, the list of 1790, prepared by Major Holland, was evidently followed as a basis, the areas in acres converted into arpents, as well as the dates and names of the seignories agreeing perfectly together. But in the statement, the apparent omission in the list of the seignories in the Province of Quebec, of the Seignior of Terra Firma de Mingan, is in a manner supplied by the insertion of the name of that seignior under the head of the seignories in the District of Gaspé, among several of the seignories annexed to the Domain of the Crown, under the feudal right of "Droit de retrait," effected by order of Governor Hope, in 1784.

The entries in which statement stand as follows :

DISTRICT OF GASPÉ.

NAMES OF SEIGNIORIES.	DATE OF GRANT.	QUANTUM OF ARPENTS.
Terra Firma de Mingan	25th Feby., 1681.	435,456

ISLANDS IN THE SAID DISTRICT.

Isle Anticosti.....	March, 1680.	1,898,222
Isles et Islets de Mingan.....	10th Mar., *1677. *This should be 1679.	16,000

The importance of the above mentioned official document under the questions presently at issue, of extent and possession involved in the claim preferred by the heirs Richardson cannot well be doubted, as it determines in a definite manner the area and extent of the stated Seigniority of Terra Firma de Mangan, presuming of course that a valid title will be produced therefor, of a date posterior to the ordinance of the 12th May, 1733, which cancelled the concession of the 25th February, 1661, to the satisfaction of the government.

According then to the area thus given of 435,456 square arpents and the depth of two leagues, or 168 lineal arpents stated in the description of the seigniority, quoted in the memorandum from the official statement, published in 1803, by Wm. Vondenvelden, the extent in perpendicular breadth of the seigniority is ascertained to be 2594 lineal arpents, equal to 94 statute miles. This distance being carefully laid off by scale on the map of the St. Lawrence accompanying this report, due east from Cape Cormorans "allant vers les Esquimaux" or "la Baie des Espagnols," viz: at right angles to the course due north for the lateral lines will terminate at the headland called Clear Water Point, in longitude according to the corrected edition of the admiralty charts of the Gulf of St. Lawrence, 63° 25 west from Greenwich,

which headland called Whale Head on Vandenvelden's Map, and on the late Col. Bouchette's Map of 1815, it should be observed, forms the eastern extremity of the inferior or Upper Bay, or Anse, in which lies the post or settlement of Mingan, "vis-à-vis les Isles et Islets de Mingan."

Paragraph 19.—It has already been conclusively shown that in neither of the late Col. Bouchette's publications in 1815 or 1832 herein referred to as upholding the boundaries claimed for the Seignior of Terra Firma de Mingan, does the text of those works touching the concession of the 25th February 1661, afford grounds for such a presumption. In fact the author treats the concession in the light of a fishing ground extending from Cape Cormorant along the Labrador channel, to the river Goynish. The shore called the Mingan Islands as advantageously situated for carrying on the fisheries, &c.

The Surveyor General in thus giving in the text of his work the river Goynish as the eastern boundary, exhibited on his geographical map of 1815 (trace letter H) did not however do so inadvertently as asserted in this paragraph, but on very good grounds and for the best of reasons that, in accordance with the description in the extract of his appendix, such eastern boundary should not over-reach "la Grande Anse vers les Esquimaux où les Espagnols font ordinairement la pêche," which Grande Anse has been conclusively shewn to be identical with "la Baie appelé l'Anse des Espagnols," the eastern limit of the concession "des isles et islets de Mingan," and conceded the 10th March 1677 to Messrs. Lalande, jr., and Louis Jolliett.

It is worthy of note that this quotation from the memorandum contains the same clerical error in giving the year 1677 (instead of 1679, the year of the concession by Duchesneau) that occurs in the general statement referred to in the previous observations, a coincidence leading to the surmise that the official statement in the memorandum is a similar document to the general statement found on record in this Department.

To resume, it is difficult to conceive a greater jumble of localities thrown together for the eastern boundary than is presented in this paragraph; the "Baie des Espagnols" near the "Esquimaux and Phelippeaux

"Baie" pretended to be derived from Col. Bouchette's description in the extract of 1815, and repeated in his work on the British Dominions, published in 1832; while in point of fact, none of those places are at all mentioned in either of the descriptions referred to; as certainly the words "vers les Esquimaux" do not mean the Esquimaux Bay nor the "Baie des Espagnols" nor the "Baie de Phélippeaux," localities which have been shown to be miles asunder.

The paragraph refers to a map of Monsieur N. Belion, Ingénieur de la marine de France in 1744, to be found in the 1st volume of Charlevoix's history, to prove that the "Baie des Esquimaux" is a very short distance to the west of the "Baie des Phélippeaux."

That it is to the west is also borne out by several ancient as well as later maps, and accordingly shewn on the annexed traces B and F; but that very short distance, admitting that the Bay Phélippeaux be identical with Brador Bay of the Admiralty chart, happens according to the latter authority, to be a distance of at least 20 geographical miles. But the memorandum by this "very short distance" thus adduced, does not surely pretend to claim the two places whilst admitting this to be a very short distance apart for the eastern boundary, nor mean that both are identical with "la Baie des Espagnols" which in fact would be nothing less than claiming three distinct places for the eastern boundary of the stated seigniory of "Terra Firma de Mingan."

Paragraph 20.—The honorable the Hudson's Bay Company have trading posts scattered on different parts of Canada, from lake Superior to the eastern limit of the province, and beyond it along the strait of Belle-Isle, on the Atlantic sea board, some on the Ottawa river, the Gatineau, the Lièvre, the St. Maurice, the Saguenay, the lake St. John, Mille-Vaches, Chamouchouan, Betsiamites, Sept-Isles, Moisy, and in the places enumerated in this paragraph, also up the river des Esquimaux, some 80 miles in the interior according to the explorations of Mr. George Duberger, in the service of the company. The situation and relative positions of these places were laid down on the geographical map of the British North American Provinces published at New York in 1846, by the Deputy Surveyor General of Lower Canada, irrespectively of any proprietary right of any parties, but as loca-

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tions vested in the Crown, their situations being ascertained and chiefly derided from the Admiralty charts of the river and gulf of St. Lawrence and otherwise from official documents and information in the possession of the Crown Lands Department.

The "eastern boundary" on the map of the Deputy Surveyor General over-reaches the Goynish river about 30 miles at the river Kegashka, the western limit of the concession of *Sieur LeGardeur*, granted in 1702, a few miles below the ascertained location of the ancient "*Baie des Espagnols*" according to *Sieur Jolliet's* map, and where possibly the late *William Sax*, 1st clerk in the late Surveyor General's Office, limited the eastern boundary of the seigniory of *Terra Firma de Mingan* in the vicinity of *Natashquan* on his figurative map laid before the committee of the House of Assembly in 1828.

The changing of the year of publication of the Deputy Surveyor General's map in 1846 to 1852, by the publishers in anticipation of a new edition of his map, was wholly unauthorized by the author, who still holds in his possession the manuscript materials for the contemplated new edition on which the seigniory was struck out.

The official map of the province of Canada published in 1862 for the use of emigrants by order of the honorable *P. M. Vankoughnet*, then Commissioner of Crown Lands, places the "eastern boundary" at the river *Goynish*, agreeably to the map of Upper and Lower Canada by the late Surveyor General, *Joseph Bouchette*, Esquire.

Paragraph 21.—*Titres des Fiefs* (page 11), under this head are enumerated as follows:

1st. "Concession de la *Terra Firma de Mingan* au *Sieur Bissot de LaRivière*" of the 25th février 1661.

2nd. "Concession des isles et islets de *Mingan* à Messieurs *Jacques de Lalande* et *Louis Jolliet*, 10 mars 1679."

3rd. "Concession de l'isle d'*Anticosti* à *M. Joliet*, mars 1680."

4th. "Acte de foi et hommage *des trois fiefs* y annexés rendu au Roi par M. Joseph Henri de la Gorgendière, 12 avril 1725."

Referring to the 1st volume "*des Régistres des foi et hommage*" No. 78, folio 353, we find an entry of an act without the usual authentication thereof by the signature of the Governor General, then general Frederick Haldimand, nor of the officers of the Government that usually sign as in the preceding entries, as in the same volume, nor the signature of the clerk of Terriers then Joseph Cugnet, Esquire.

In lieu of these necessary and indispensable formalities to give validity to the Act, the following Nota-Bene is subscribed at foot of the entry thereof

"N.B.—Remis à la demande de Messieurs Cugnet, Nicolas, Joseph et François de la Fontaine, Grant et Dunn, un certificat de leur présentation à foi et hommage. *ce matin*, à 4 h. P. M. dans l'*après-midi*, le 28 mai 1781." Signé: J. A. Cugnet, G. P. F.

Next with respect to the concession "*des isles et islets de Mingan*" and "*la concession de l'isle d'Anticosti*" both grants are found duly registered, but although unquestioned, are nevertheless brought under notice in the "*foi et hommage des trois fiefs*" rendered by Sieur Joseph, Henri de la Gorgendière, but instead of the "*Terre ferme de Mingan*" as the 3rd fief indicated, we find mentioned (agreeably to the annexed certified extract) a certain small fief "*dans la rivière des Etchemins*" in the seigniority of Lauzon.

Nothing further need be said on this paragraph.

Paragraph 22.—In the elaborate and highly useful work of the honorable Christopher Dunkin, relating to the seigniories and fiefs of Lower Canada, which called for unanimous approval of the judges established as a seigniorial court under the provisions of the Seigniorial Act of 1854, the description of the concession of the 25th February appears indeed evidently derived from the late Col. Bouchette's Topography of 1832; but at the same time plainly establishes in the valuable work of Mr. Dunkin's work, that no

title is on record either according to the french or english versions of the titles of fiefs and seigniories in Lower Canada, published by authority of the Legislature in 1852, whether of the concession of the 25th February 1661, or of the stated concession of the seigniority of Terra Firma de Mingan.

Paragraph 23.—The description of the stated seigniority of Mingan or Terra Firma de Mingan as in the possession of the heirs Richardson, given in the cadastre No. 108, deposited under the provisions of the Seigniorial Tenure Act of 1854, has at all events the merit of unambiguity in the designation of the limits therein stated, viz : Le Cap Cormorant as the west and the river Goynish as the eastern boundary, 50 leagues front on the river St. Lawrence, of two leagues in depth, and containing 705,400 arpents in superficies.

With reference to the cadastre of the seigniorial commission by Henry Judah, Esquire, T. B. Anderson, Esquire, one of the co-proprietors of the stated seigniority of Terra Firma de Mingan, in reply to the notification of the Crown Lands Department for a bornage, states as follows :

"The proprietors are however at a loss to understand on what grounds a river called the Goynish in the schedule (which by the way, does not appear on any map to which they have had access) has been selected by the seigniorial commission as the eastern limit of the seigniority.

"If the Goynish means the 'Aquanus,' as they presume it does, it does not include much more than one-half of the portion of the seigniority so held under lease, and not more than one-third of the extent of territory to which they are entitled, most respectfully but earnestly protest against the pretensions contained in the schedule in question as despoiling them of a large portion of their property ; and the part of which they would thus be unjustly deprived is in reality the most valuable," &c.

In this protest against the certificate of Henry Judah, Esquire, on his proceedings as Commissioner under the Seigniorial Tenures Act, the proprietors claim "La Baie des Esquimaux" and not "La Baie des Phélippaux," of the memorandum, for their Eastern boundary.

Paragraph 24.—In this paragraph, which has expressly reference "to his Report," the undersigned, in the fulfilment of the duty devolved upon him under the order of reference from the Commissioner of Crown Lands, to report upon the subject of the boundaries of the stated seigniority of Terra Firma de Mingan alluded to, which it was the object of the Department to have adjusted in the correspondence with the co-heirs of the late Honorable John Richardson, Mr. Stuart has not only thought fit to tax the report with a variety of charges of omission and commission, but most gratuitously to imply that it impugned the accuracy of the late Colonel Bouchette's public works, the truth and reliability of which were presumed questioned under the report. Possibly only but for this unwarrantable and groundless insinuation the printed memorandum would have passed without any special notice from Mr. Bouchette.

On the other hand, and under any circumstances, the interest of the Government in the question of the boundary under consideration seemed to require that the arguments used, as based upon utterly reckless assertions, and the distortion of the descriptions contained in the documents adduced in the memorandum in support of the claim, should be met, whilst the examination and further investigation which the statements have necessarily invoked, have resulted in the discovery of certain official statements of considerable importance on the question at issue.

An attentive perusal, however, of the observations of the preceding paragraphs of the memorandum, and a particular examination of the maps therein referred to, confirm the accuracy of the late Col. Bouchette's published topographies and maps, which, combined with other reliable evidence and official statements, will doubtless serve to elicit the untenable nature of the pretensions of the heirs Richardson to the territory by them claimed under the memorandum, even admitting they succeeded in substantiating occupation of a part under judicial authority, or sheriff's sales unopposed through accidental oversight or other unforeseen causes.

Under the circumstances, the readiest reply that can be offered to this lengthy, and the following paragraphs, which are, in fact, a recapitulation condensed of the subjects of argumentation which have called for the

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observations and remarks of the undersigned on the preceding paragraphs, is a brief review or summary of such of those observations as have more especially a direct bearing upon the situation, extent and boundaries of the territory claimed under the seignior of Terra Firma de Minnan, and supplying at the same time, additional remarks upon certain statements in the memorandum as have been omitted to be touched upon in the observations :—

1st. That the only evidence of such a concession of "l'Isle aux Œufs" having been granted to Sieur Frs. Bissot de la Rivière, the 25th February, 1661, is to be found in the ordinance of the 12th May, 1733, published by authority of the Legislature of Canada in 1852, whilst the evidence of that fact is derived from the declaration of the grantee himself in his aveu of the 11th February, 1668, cited at length in that ordinance.

2nd. According to his declaration, the concession of the 25th February, 1661, merely granted to the said Frs. Bissot the exclusive right or privilege of establishing sedentary fisheries, &c., on the shores of the St. Lawrence from "l'Isle aux Œufs," inclusively "dans les endroits les plus convenables" to the "Sept Isles" and "dans la Grande Anse vers les Esquimaux."

3rd. That by the authority of said ordinance the concession of "l'Isle aux Œufs" of the 25th February, 1661, was cancelled for a consideration, "dont quittance," and thereupon reunited to the Domain of His Majesty, which, together with the unconceded space below the Sept Isles to "Cap Cormorant," was included "dans les limites du Domaine," under the ordinance of the 23rd May, 1733. Here is no theory based upon any mere supposition, nor does the written abandonment "depuis longtemps" of the concession of the 25th February, 1661, constitute a surrender of the concession as asserted in the memorandum.

4th. That in respect of the occupation by the heirs Bissot "de l'étendue du pays au dessous de la Rivière Moisy," the said Frs. Bissot and Defendants, despite their humble petition, were condemned to pay "redevance pour la traite qu'ils ont faite au lieu dit Mingan," and consequently were deemed "depuis longtemps" as trespassers on the Domain of the Crown.

5th. That the said Heirs Bissot, Defendants, "for reasons best known to themselves," never complied with the injunction or recommendations of the Intendant, made to them in the same ordinance, to wit: "prendre un nouveau titre" (not titre nouvel, as reiterated in the memo.), pour "l'établissement par eux fait au dit lieu de Mingan, sur tel front et profondeur et sur telle rédevance qu'il plaira à Sa Majesté leur accorder."

There is, in fact, no record of any concession to the Heirs Bissot among the archives of this Province.

6th. That although the contents of the "burned title" must ever remain a mystery, yet, had it contained any mention of precise limits, as front or depth, they would assuredly have been stated in the "acte d'aveu" of the said Bissot on the 11th February, 1668, then as fresh in his memory as the circumstances of the amount of redelevances to be paid therefor, being only seven years after the date of his grant of the concession of "Isle aux Œufs"; and, therefore, inasmuch as no new title was ever taken out by the Heirs Bissot, the present claimants for the stated seigniority of Terra Firma de Mingan, in invoking the cancelled or revoked concession of the 25th February, 1661, cannot certainly, with any semblance of right or consistency, claim any territorial area were they justified on a plea of possession or grounds of occupation in placing their Eastern boundary at any limit east of the "Cap Cormorant."

7th. That touching the burned title—1st. The document is supposed, in 1733, to have been destroyed by fire in about the year 1681; 2nd. In the declaration of the unauthenticated Act of the 28th May, 1781, it is believed to have been burned "dans l'incendie du palais de l'Intendant" in about the year 1730; 3rd. In the "Acte de notoriété" of 1766 (proving an immemorial possession of the stated seigniority of the mainland of Mingan) to have been burned "à cause de l'incendie arrivée au palais de cette ville le 5 Janvier, 1713, which may indeed have consumed the vaults, "les voûtes du Palais où avaient été déposés les Régistres," &c., but it is fair to presume that the registers were not burned, inasmuch as the titles of over a hundred seigniorities granted anterior to that conflagration are found enumerated among the titles and documents published by authority of the Legis-

lature in 1852; and 4th. For the Act of fealty and homage rendered by James Stuart, Esquire, the 9th October, 1837, the declaration of title, which is an exact transcript of the one contained in the authenticated Act of 1781, would again fix the period of the concession conflagration in about the year 1730.

8th. That the first instrument on record relating to the concession to Sieur Frs. Bissot de la Rivière of the 25th February, 1661, in which mention of depth, viz.: "deux lieues en profondeur," is made in the unauthenticated Act of fealty and homage of the 28th May, 1781, in the 1st vol. des Fois & Hommages, No. 78, vol. 373, containing the declaration of Messrs. Dunn, Grant, Cugnet, La Gorgendière, and other parties as representatives of the Heirs Bissot, at the foot of the entry of which Act, unauthenticated by the signature of the Governor, nor of the public officers, nor of the Clerk of the Terriers, who usually signed such Acts, is written the *nota-bene* of Mr. F. Cugnet, G. P. S., certifying to the presentment of the said parties and no more; in the face of which formal proceedings the Memorandum treats the omission of the signatures as "clerical omissions." However, the legal point on this question is wholly within the province of the law officers of the Crown to determine.

9th. The next instrument is the official statement published by Wm. Vandenvelden, Esq., in 1803, the description quoted from which in the Memorandum is a transcript of the declaration of the representatives of the Heirs Bissot, contained in the unauthenticated Act above mentioned.

10th. Mention is also made of the depth of two leagues in the extract given in the appendix of the Topography published by the late Col. Bouchette in 1815, and also in the title under the head Terra Firma de Mingan, Seigniorship of, in his Topographical Dictionary, forming the 2nd vol. of his British Dominions in N.A., published in 1832, both of which, viz., the extract and title, are *verbatim* transcripts of the description contained in the official statement. Nevertheless, the author, in the text of both works, makes no mention of any depth in describing the concession of the 25th February, 1661; in fact treats the concession as a mere fishing ground, limited on the East at the River Goynish, "dans la Grande Anse vers les Esquimaux."

11th. Finally, the depth of the stated seigniority of Terra Firma de Mingan is mentioned in the Act of fealty and homage rendered before His Excellency Lord Gosford the 9th October, 1837, by the Heirs of Peter Stuart, which is an exact copy of the declaration in the unauthenticated Act aforesaid of the 12th May, 1781.

12th. That in the foregoing stated public instruments the concession of the 25th February, 1661, to Sieur. Frs. Bissot, is invariably invoked, "*dont le titre est adhérent*," and believed to have been destroyed at differently stated periods, the existence or nature of which concession stands, however, substantiated in the "*Acte d'aveu*" of the 11th February, 1668. Wherefore it is conclusive that the representatives of the said Frs Bissot, in their declaration made in the instrument above first mentioned in taking on the description of the limit claimed by the concession of the 25th February, 1661, the mention of depth, viz.: "*sur deux lieues de profondeur*," at once altered the character of the concession described in the said "*Acte d'aveu*" of the "*auteur*" Frs. Bissot de la Rivière of the 11th February, 1668.

13th. That this circumstance may in some manner account for the non-authentication of the Act of the 28th May, 1781, while it vouches for the honest probity of the public officers then in charge of the Public Domain records, although himself one of the interested parties to the Act.

14th. That in all the above mentioned instruments, one almost unvaried description reigns in respect to the Western and the direction of the Eastern limit of the concession of the 25th of Feb'y, 1661; one will suffice: "*à commencer au Cap Cormorant à la côte du Nord jusqu'à la Grande Anse vers les Esquimaux où les Espagnols font où fesaient ordinairement la pêche*." This description, however, varies from the "*aveu*," 1st, inasmuch as the "*aveu*" describes the concession of "*Isle aux Œufs*" as granting to Sieur Frs. Bissot the exclusive right of fishing, &c., from "*Isle aux Œufs*" to the "*Sept Isles*," and dans la Grande Anse," instead of jusqu'à la Grande Anse"; and 2nd, as containing no mention of any depth.

15th. That neither in the "*aveu*," nor in the descriptions in the instruments above cited, is there any mention, word or allusion to the "*Baie des*

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Espagnols" or to the "Baie des Esquimaux," or to the "Baie Phélippeaux," names of localities set up without a shadow of right or authority by the representatives of the Heirs Bissot for the Eastern boundary of the stated seignior of Terra Firma de Mingan, and so introduced in various deeds, leases, sales and transactions mentioned as otherwise stated at length in the Memorandum.

16th. That the first instrument in which the "Baie des Espagnols" claimed in the Memorandum for the Eastern boundary of the stated seignior of Terra Firma de Mingan, viz.: from Cape Cormoront, along the north shore of the St. Lawrence to the "Baie des Espagnols," is mentioned, occurs in the concession "des Isles et Islets de Mingan" to Sieur de Lalande and Louis Jolliet, dated 12th March, 1679, situate as stated in the Memorandum, immediately in front, and of the same extent as the main seignior of Mingan, "qui se suivent jusqu'à la Baie appelée l'Anse aux Espagnols." The next mention is made in the ordinance of the 12th May, 1733, in recommending the Heirs Bissot, Defendants, to take out "nouveau titre pour l'établissement par eux fait au lieu dit Mingan, à prendre de la Pointe des Cormorants et allant vers la Baie des Espagnols." It is more than probable, as it has been already shewn, that had the new title been taken out in the manner directed, with a special extent of front, that the Eastern boundary would have fallen far short of the "Baie appelée l'Anse aux Espagnols," the Eastern limit of the existing seignior "des Isles et Islets de Mingan," the exact position and extent of which bay has formed the subject of special enquiries in the preceding observations.

17th. That the geographical position of the "Baie des Espagnols" is well and accurately ascertained and established on Sieur Jolliet's map "de la France Septentrionale," dedicated to Mons. Colbert by Duchesneau, Intendant of New France, the same who granted the concession "des Isles et Islets appelés Mingan" to "Sieur de la Lalande" and "Sieur Colbert," and of the concession of the Island of Anticosti to the latter in 1780.

18th. That according to the ancient map, the authenticity of which cannot be questioned, the "Baie des Espagnols" lies rather west of an imaginary line drawn from the Eastern extremity of the Island of Anticosti

to the north shore of the St. Lawrence, coinciding generally with the harbour of Natashquan, situate in the broad expanse of that part of the River St. Lawrence, lying opposite the Island of Anticosti, and represented on Debarré's chart of the St. Lawrence, from surveys performed under Major Holland, between the years 1766 and 1790, under the authority of the Admiralty of England, on "Sieur le Maréchal de Castrie's map of 1784, on several old French maps," published in atlas form by the late Thomas Jefferys in 1775, Mitchell's map of 1755, the late Colonel Bouchette's map of 1815, the map of the Deputy Surveyor-General in 1846, and several other maps of the River and Gulf of St. Lawrence.

In all these maps the deeply-curved shore of that part of the St. Lawrence, comprehending the Bay or Anse of Natashquan, is clearly and conspicuously defined, extending between "Mont Joli" on the East and the headland called "Wolfe's Head" on the West, more particularly described in the observations under the first paragraph of the Memorandum.

19th. That corroboratively with the above mentioned authoritative maps, a map entitled "Carte du Canada. 1664, par Sieur de Champlain," on which are exhibited certain territorial divisions on the North shore de la Grande Rivière du Canada, ou St. Laurent," represents with striking exactness, for the early period it was constructed, in the division called "les Esquimaux," situate opposite the Island of Anticosti, extending eastward from the River Moisie, or the River St. John, to a certain deep indentation of the shore line, evidently coinciding with the geographical situation of the harbour of Natashquan or Kegashka or Natissagait harbours, east of which lies the division designated by the name of "P. Quartier," terminating eastward at another deep indentation of the coast opposite the strait of Belle-Isle, without a name, but which appears to correspond with the "Baie des Esquimaux" or Bay Phélippeaux, mentioned in Sieur de Brouague's defence in the formal judgment case of 1736, east of which lies the division called "Brest," extending along the strait to the Atlantic seaboard.

20th. That reverting to the formal judgment or police regulation of the 20th of May 1736, it has been in the foregoing observations established from the regulation itself, that the stated seigniority "de la Terre Ferme de

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Mingan" comprehending the "Poste de Mingan" and its dependencies is a totally distinct and remote locality, on the north shore of the River St. Lawrence, from that portion of the Gulf of St. Lawrence "vulgairement appelée Côte du Labrador," the concession of the 25th February 1661, now claimed under the name of the "Seigneurie de la Terre Ferme de Mingan," extending agreeably to the instruments herein previously mentioned, from "Cap Cormorant à la côte du nord jusqu'à la Grande Anse vers la Baie des Espagnols," whilst the latter extend from the River Kegashka "à la côte vulgairement appelée La Côte Labrador" Eastward to the Strait of Belle-Isle inclusive, and as having been under the concessions from the Governor and Intendant of "La Nouvelle-France" from the year 1702 to the time of the conquest, concessions which forsooth Mr. Stuart is pleased to describe as of the nature of short leases which have terminated a century ago."

21st. That, after a careful examination of the foregoing facts it appears evident that a certain limited part of the north shore of the St. Lawrence, situate between the western extremity of "la Grande Anse" which according to the description invoked, formed the Eastern limit of the "terre ferme de Mingan," and the River Kegashka, the westernmost of the concession called "short leases" granted to *Sieur LeGardeur* in 1702, was unconceded or neutral territory during the period the Spaniards "carried on their fisheries," which according to the "acte d'aveu" they actually occupied in 1668, to wit: "dans la Grande Anse, où les Espagnols font ordinairement la pêche," but which agreeably to the declaration in the unauthenticated Act aforesaid they had abandoned anterior to 1781 "où les Espagnols faisaient ordinairement la pêche." In this space presenting upwards of 100 miles of coast, the map of *Sieur de Jolliet* has located "la Baie appelée l'Anse des Espagnols" no doubt the identical "Baie des Espagnols" which the first two lines of the memorandum refer to as the limit of the stated Seignior of Terra Firma de Mingan.

22nd. That the police regulation of 1786 containing the formal judgment, as well as the subsequent regulations of 1739, 1742 and 1748, adjudicating on matters in dispute between the "cessionnaires en terre ferme à la côte vulgairement appelée Labrador" and the "cessionnaires

des Isles et Islets appelés Mingan " qualify the former as well as the latter concessionnaires equally as "propriétaires." Hence could it be reasonably supposed that the Intendant Hocquart, whilst establishing police regulations regarding the sedentary fisheries "recognized" the "Seigneur de la Terre Ferme" as prior proprietor of the territory granted since 1702 in separate concessions, which Mr. Stewart admits as of the nature of short leases which terminated a century ago that is the year of the Treaty of 1763. If then the Intendant, in the exercise of the power vested in him by his Sovereign, did thus dispose of the vacant Domain of His Majesty "à la côte vulgairement appelée Labrador" it matters not whether in the shape of concessions for a limited number of years or for less time and renewal to the parties, how according to Mr. Stuart's own showing can the claimants pretend to the often repeated "uninterrupted possession" of 206 years, since 1661, of that part of the coast of the St. Lawrence, extending from the Kegashka River to the "Baie des Esquimaux" of Mr. Anderson, or the "Baie Phelippeaux" of the memorandum, and as being the most valuable part of the stated Seigniory of "Terra Firma de Mingan;"

23rd. The answer to the foregoing queries is simply that the pretensions set forth by the parties in the correspondence aforesaid with the Department, to the "Baie des Esquimaux" and the party of the memorandum to the "Baie Phelippeaux" which latter *Sieur de Bellin* locates "a very short distance," only twenty miles according to *Bayfield's* chart East of the former, for the Eastern boundary of the stated Seigniory of Terra Firma de Mingan, are not only utterly groundless, but are in many respects in direct contradiction with the very authorities adduced in their support, whilst the geographical exhibits of the coast of the St. Lawrence in very "old French maps" contemporaneous with the period of the concessions of "Isle aux Œufs" in 1661 "des Isles et Islets de Mingan" in 1679 "de l'Isle d'Anticosti" in 1680, herein referred to, establish that both the above mentioned Bays were unknown or unnoticed at that early period of the history of Canada. Later, however, the "Baie des Esquimaux" is mentioned in several of the concessions "à la côte de Labrador" in the concession "en terre ferme" and the Bay Phelippeaux is also mentioned in the defence of *Sieur de Brouague* in the formal judgment, while the "Baie des Espagnols" was a well known locality and mentioned as the limit "de la concession des Isles et Islets de

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Mingan" as "la Baie appelée l'Anse des Espagnols," &c., and referred to in the Ordinance of 1733, "allant vers la Baie des Espagnols," wherefore the assertion in the memorandum that the "Baie des Espagnols" which has been shewn to be situated upwards of 200 miles west of the "Baie Phelippeaux," has been since called "La Baie Phelippeaux," is, like other assertions in that document, without the least foundation.

24th. That according to a certain official "list of all the grants" "en seigneurie et roture" by the French Crown, found on record in this Department bearing date at the Surveyor General's Office, Quebec, 25th September, 1790, signed by the Honorable Samuel Holland, Surveyor General, and the Honorable John Collins, Deputy Surveyor General, both members of the Honorable the Executive Council, at the same time with the Honorable Thomas Dunn, the Honorable Wm. Grant, the Honorable George Pownall, and the Honorable Comte Dupré, under the administration of His Excellency Lord Dorchester, neither the grant of the concession (the burned title) of the 25th February, 1661, nor of any seigniority of the name of "Terra Firma de Mingan," are therein mentioned; although the seigniority "des Isles et Islets de Mingan" granted to Sieur de Lalande and Louis Jolliet, heirs of the Lalande, and the Seigniority of Anticosti, granted to Louis Jolliet, with the dates of the concessions and ratification thereof are therein stated and enumerated.

25th. That the omission is not merely confined to the above stated list but extends to the official extracts "of the seigniories furnished to the Surveyor General by the Honorable George Pownall, then Secretary of the Province, still of record in this Department, but prevails also in the printed volume "des titres et documents des seigneuries dans le Bas-Canada" published by authority of the Legislature in 1852, the omission in both the English and French versions of those published documents being clearly pointed out in the valuable index of the seigniories prepared by the Honorable Christopher Dunkin, presently Treasurer of this Province, in relation to the Seigniorial Tenures Act of 1854.

26th. That, although the said Honorables Thomas Dunn and Wm. Grant were directly interested parties or co-proprietors of the stated

Seigniority of "Terra Firma de Mingan" as only recently purchasers of certain proportional parts thereof from the heirs Bissot de la Rivière, evidenced by the notarial deeds referred to in the memorandum, the omission, so strikingly apparent in the list of the concession or seigniority whereof they were part-owners, passed for years unnoticed, officially or otherwise, although the subject of the federal tenures of the fiefs and seigniories were then, as immediately prior to the division of the Province of Quebec, into separate Provinces, 1791, under constant discussion in the Executive Council of that period.

27th. That, however, according to a certain other list entitled general statement of the grants "en fiefs et seigneuries" and of those "en roture" in the Province of Lower Canada, bearing date at the Surveyor General's Office, 31st July, 1805 (the day of the inauguration of the Hon. Thos. Dunn as President and Administrator of the Government of Lower Canada) the name "Seigneurie Terra Firma de Mingan" stands inserted along with the names of other seigniories situate in the District of Gaspé, several of which were re-united to the Domain of the Crown in virtue of the feudal right *jus retractum*, exercised by Governor Hope, in 1784. Opposite the name "Terra Firma" is the date of the concession, 25th February 1661, and in the column headed "quantum of arpents" the area in figures 435,456 square arpents of the said seigniority of Terra Firma of Mingan is accordingly given, which quantum assuming the depth of the said seigniority given in the official statement published by Wm. Vondelvelden in 1803, quoted in the memorandum, to wit: "deux lieues de profondeur" obtains, by a simple calculation in mensuration, the perpendicular breadth of 2590 lineal arpents qual to 94 statute miles for the front of the seigniority.

28th. That applying by scale this perpendicular extent of breadth 94 miles on the map of the St. Lawrence, due East from "Cap Cormorant à la côte du nord" towards the "Grande Anse" or "allant vers la Baie des Espagnols" as directed in the Ordinance of the 12th May 1783, the Eastern lateral limit of the stated seigniority of Terra Firma of Mingan would accordingly determine at Clear Water Point, situate about 25 miles below the "Poste de Mingan" in longitude west on Bayfield's corrected chart.

29th. That the limit thus determined at Clear-Water Point for the eastern

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boundary of the seigniori, which has been herein-before shown to indicate the western extremity of "La Grande Anse" extending to Pt. Natashquan, or Mount Joli, and identical with the "Baie appelée l'Anse aux Espagnols," as distinguished from the interior Bay or "Anse" in which is located "la seigneurie et poste de Mingan vis-à-vis les Isles et Islets de Mingan" is strikingly in harmony, although about 60 miles west of the Goynish River, the eastern boundary by the late Col. Bouchette with the descriptions given in the instruments herein-above cited, that is "à prendre ou à commencer "au Cap Cormorant, à la côte du Nord, jusqu'à la Grande Anse vers les "Esquimaux, etc," as it embraces between the boundaries Cap Cormorant and Clear-water Point, "le Poste de Mingan, la seigneurie communément appelée seigneurie et poste de Mingan, l'établissement au lieu dit Mingan," which, according to Vondenvelden's Map of 1803, includes the Settlement of Mingan opposite the Mingan Islands, Esquimaux Point, Esquimaux Harbour, opposite Esquimaux Islands, from which the Terre Ferme is separated by Esquimaux Channel, and further because of the corroborative incident that the Seigniori "des Isles et Islets de Mingan," upon the same coast, and immediately in front of the Main Seigniori of Mingan, recognized as co-existing seigniories for 200 years, should according to the area of the said concession, "des Isles et Islets de Mingan," contain 16,000 square arpents, as given in the general statement aforesaid, also terminate at Clear-water Point or "la Baie appelée l'Anse aux Espagnols, agreeably to the description of that Seigniori quoted in the Memorandum, "Les Isles et Islets *appelés* Mingan qui se suivent jusqu'à la Baie *appelée* l'Anse aux Espagnols," the group of Islands properly called Mingan Islands, (irrespective or exclusive of the Islands situate in "la Grande Anse" below Wolf's Head) containing, agreeable to a careful computation thereof from Bayfield's chart, on a large scale 15,900 acres, which would, however, include the Esquimaux Island, among the Islands, "qui se suivent jusqu'à la Baie appelée l'Anse aux Espagnols."

Paragraph 25.—Mr. Stuart is evidently laboring here under some great misapprehension in his ardour of erecting a title for the seigniori of Terra Firma of Mingan, one higher and stronger even than a title from the Crown.

The Seigniorial Amendment Act of 1856, in its provisions had relation to those seigniories only that are held as *bonâ fide* properties, under duly recognized titles from the Crown of France. The "Mingan," included with the seigniories mentioned in the Act applied to the seigniory "des Isles et Islets de Mingan," whereof there exists a registered title, as well as the seigniory of "l'Isle d'Anticosti," whilst there exists no record whatever of the stated seigniory of "Terra Firma de Mingan" and the Act could not certainly create one.

The tract described in the seigniorial Schedule No. 108, as in possession of the heirs Richardson, is known to hold a considerable varied population of English, French and Canadian inhabitants, occupying the fishing localities and establishments scattered along the coast, more particularly in the vicinity of the "Poste de Mingan" and extending to the River Goynish.

This circumstance of the although partially settled character of the tract, may have led the Commissioner to present the schedule No. 108, now of record with similar schedules, cadastres, in this Department according to law. Wherefore the word "Mingan" used after the name "Terra Firma" is only indicative of the locality of the "Poste de Mingan," or "la seigneurie communément appelée "Poste de Mingan" that is where it lies, as opposite the Mingan Islands.

But on the other hand, it appears somewhat anomalous, to say nothing of the manifest ungraciousness toward the seigniorial commissioner Henry Judah, Esquire, that the memorandum should erect a title on the seigniorial schedule No. 108, whilst the co-proprietors most formally protest against it as depriving them of the most valuable part of their Seigniory in limiting their "eastern boundary" at the River Goynish; and although it gave them 50 leagues front on the St. Lawrence, on a depth of two leagues, and therefore a superficies of one hundred leagues of the territory of this Province, and that whilst, mark well the contrast, the stated primitive concession of the 25th July, 1661, invoked by the present claimants, merely granted, according to the "acte d'aveu" of Sieur Frs. Bissot de la Rivière, of the 11th July, 1668, "le droit et faculté de chasse et de pêche dans les endroits les plus commodes, avec le bois et terre nécessaires pour faire le dit établissement,"

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a fishing ground, in fact, which under the pretensions of the claimants has grown into gigantic proportions, exceeding in area and dimensions any seigniory or tract hitherto granted in Canada.

Paragraph 26.—If Mr. Stuart will read over with greater attention the report of Mr. Bouchette, he will find that it in fact conveys the reverse of what he asserts respecting the acquiescence of the proprietors in the description contained in the schedule prepared by Mr. Judah, whereas the report states "that the proprietors have unexceptionally acquiesced in the proposition for a survey or bornage of the seigniory in conformity with the title deeds requested in the correspondence from this Department, copy of which correspondence is annexed to the Report, together with the copies of the concessions "short leases" granted along the Labrador coast of the St. Lawrence from Kegashka River to the Eastern limit of the Province.

Paragraph 27.—Mr. Bouchette based the conclusions he arrived at in his report on the subject of the stated possession and occupation of the territory claimed for the Seigniory of Terra Firma of Mingan, upon the statement contained in the above mentioned correspondence with the co-proprietors, namely, Messrs. T. B. Anderson and H. D. Andrews, of Montreal.

Upon further examination of the subject, however, which the printed memorandum has occasioned, that possession as based on the occupation, considered in a fair and legitimate point of view, apart from any disquisition on the legal question invoked, which is the province of the law officers to examine, appears reduced to *nil* for the following reasons :

1st. That from the year 1661 to 1733 (when the concession of "Isle aux Ceufs" was revoked under the Ordinance of that year), supposing that Sieur Frs. Bissot, Sen., had commenced his settlement "l'établissement au lieu dit Mingan" or "Poste de Mingan" at the period of his "acte d'aveu" in 1668, and that it afterwards was continued by his sons, the defendants until the time, when under the Ordinance of 1732, they were summoned by the authorities to produce their title for their occupation "au lieu dit Mingan," and although producing the said "Acte d'aveu" were condemned to pay redevance to the Government "pour la traite par eux faite avec les

sauvages depuis 1661," that is to say seventy-one years, this period of years cannot certainly be legitimately claimed as quiet and undisturbed possession, the heirs Bissot being held in the light of trespassers on the Domain of His Majesty, until discovered on the complaint preferred before the Intendant for the illicit sale of spirituous liquors to the Indians carried on at the "Poste de Mingan."

2nd. That it is admitted in the memorandum "that for reasons best known of themselves," the heirs Bissot never took a new title as directed, therefore, knowingly and contrary to the recommendation of the Intendant Hocquart, persisted in occupying the said "Poste de Mingan" without any leave or license or any concession from the Government of the day, as far as ascertained from the published archives of the Province.

3rd. That whatever might have been the pretensions of the heirs Bissot, the defendants in 1733, if indeed they even contemplated a claim of 400 miles frontage "de l'étendue de pays à la côte du nord au-dessous de la Rivière Moisy" on the grounds of the concession "de l'Isle aux Œufs" granted to their parent the 25th February, 1661, the Government of France deemed otherwise, as its Governors and Intendants had, as early as 1702, already granted the concession at the River Kegashka, and continued disposing of the vacant Domain of His Majesty for the purposes of sedentary fisheries on the Labrador coast, eastward, to the "Baie des Esquimaux" and beyond the Atlantic seaboard, as late as the year 1750.

These concessions, defined by meets and bounds and fixed boundaries in front and depth, as exhibited in the general map annexed to the report, being grants for a limited number of years, some few for a life-time, which Mr. Stuart in consequence styles short-leases, and would according to his own admission, have terminated a century ago, that is a few years after the cession of the Country by France to Great Britain in 1763, at which time, however, all that portion of the Labrador coast, east from the River St. John, had fallen under and formed part of the Government of the adjacent Province of Newfoundland.

4th. The provisions of the Imperial Act, 14 George III, ch. 83, aiming directly to the protection of the sedentary fisheries established by Canadian

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subjects on the Labrador coast, and while restoring to the Province of Quebec the coast of the St. Lawrence, east of the River St. John, which had been detached from it by the Proclamation of 1763, it may be fairly presumed that they were not enacted for the special benefit of the heirs Bissot, or that of their representatives, but indeed for the numerous establishments effected at Labrador by the "cessionnaires en terre ferme" under the concessions granted them by the Government of France.

The same coast was, however again, by the Imperial Act 49 George III, ch. 27 (1809), re-united to the Province of Newfoundland, from the River St. John to Hudson's Bay, together with the Island of Anticosti and all the adjacent Islands, and by 6 George IV, ch. 59, restored to Canada.

5th. Therefore, between the years 1702 and 1809, occurs a lapse of 107 years, during which the concessions of the "short leases" were held by the cessionnaires, or their agents, or as the terms of the concessions expired, had reverted in due course to the Crown. It may be asked in virtue of what right can the heirs Richardson now pretend to claim undisturbed possession of 206 years, since 1661, of a territory half of which had been granted by the Crown to other parties, and so held for a period of a century, and the other half they occupied as trespassing on the Public Domain?

6th. That at the time the co-proprietors of the seigniory of Terra Firma de Mingan were negotiating with and did effect, through Mr. Grant, a lease to the late North-West Company in 1803 of Mingan, extending to the strait of Belle-Isle, as in the possession of and used by the proprietors for the purposes of trade, as had been the case *for more than a century and a half before*, "which would exclude all competition in their trade *along the coast as far as the "Baie des Esquimaux;"* that part of the said coast extending from the Kegashka River to the "Baie des Esquimaux" was in point of fact not in the possession of, nor used by the pretended co-proprietors of the stated seigniory, as it either belonged to the "cessionnaires" or "proprietaires en terre ferme," carrying on the sedentary fisheries in virtue of the concessions styled "short leases," or formed part of the Domain of the Crown at the expiration of the term given in these concessions not otherwise renewed.

7th. Finally, that it has already herein above been clearly shewn from reliable authority that the "Baie des Esquimaux" or "la Baie Phélippeaux," mentioned in the defence of *Sieur Brouague*, in the formal judgment of 1736, were situate some two hundred miles East of the "Baie appelée l'Anse aux Espagnols," represented on the map of *Sieur de Jolliet* hereunto annexed.

Paragraph 28.—*Mr. Bouchette* has "volunteered no opinion upon the legal questions" which properly belong to the province of the law officers of the Crown, but in the report herein alluded to, as well as in the observations he has now prepared, he has dealt professionally with the documents and authorities adduced or preferred as evidences of titles by the co-proprietors, consistently, and within the latitude allowed him under the provisions of the Surveyor's Act, which confer on him the right of examining titles in the matters of surveys, &c., and, accordingly, in the two-fold capacities of Senior Land Surveyor of the Department of Crown Lands, and of his office of Deputy Surveyor-General of the Province, duly commissioned by sanction of the Imperial Government in 1826, having given the subject of the boundaries claimed by the *Heirs Richardson* for the stated seigniori of *Mingan*, in the correspondence of the co-proprietors and in the printed *Memorandum*, undersigned by *George Okill Stuart, Esquire*, and carefully examined the statements and authorities therein referred to, whether as supporting the existence of a title or sustaining their claim on the grounds of undisturbed possession or occupation, the undersigned begs respectfully to submit, that, apart from the consideration of any documentary evidence adduced of the nature of *Sheriff's* sales, legal proceedings, or the validity of various notarial deeds and transactions relative to the land situate beyond the limits of the Province at the dates thereof, no title has been produced by the *Heirs Richardson* to the territory claimed by them under the designation of the seigniori of *Terra Firma of Mingan*, from "Cap Cormorant," along the coast of the *St. Lawrence* to the "Baie des Esquimaux" or the "Baie Phélippeaux," nor any claim thereto by any valid occupation or possession thereof, whether by themselves or "through their lessees," inasmuch as, furthermore, were even the supposed burned title "of the concession of *Isle aux Œufs*" of the 25th February, 1661, now found, it could not confer more rights than are described or accorded under the "acte d'aveu"

aforesaid, defining the concession of the 25th February, 1661, as granting to Sieur Francois Bissot de la Rivière the exclusive privileges of hunting and fishing in certain localities therein indicated whereat to establish "la pêche sédentaire des loups-marins, marsouins, et autre négoce, &c., avec les bois et terres nécessaires pour faire le dit établissement"; consequently, no territorial area as claimed under the Memorandum for the stated seignior of Terra Firma de Mingan by the Heirs Richardson, in the pretended grounds of occupation and undisturbed possession "by themselves or through their lessees" for upwards of two centuries, excepting possibly the grounds required for their establishment at the "Poste de Mingan," can with any color of right or title whatever be derived from the said concession of the 25th February, 1661, by them invoked as evidence of title therefor, the Eastern limit whereof, for the purposes as above quoted, and as including "le dit Poste de Mingan et ses dépendances," has been herein above shown to be located at or near "Clear-Water Point," on the North shore of the River St. Lawrence.

All of which is nevertheless respectfully submitted.

(Signed),

JOSEPH BOUCHETTE,
Dep'y Surv.-Genl.

True Copy.

Department of Crown Lands,
Quebec, 28d May, 1882.

E. E. TACHÉ,
Asst.-Commissioner.
E. H. S.



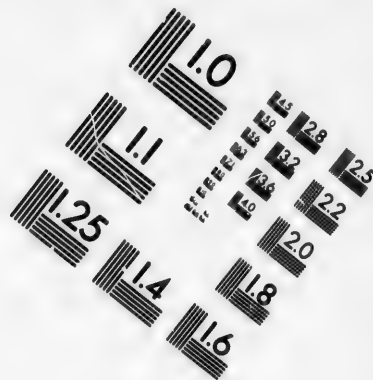
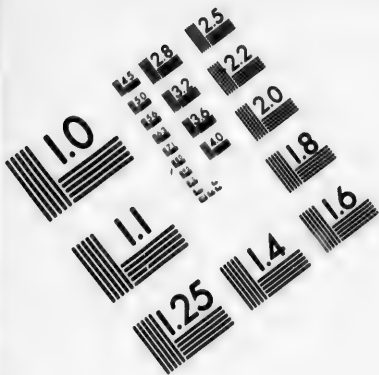
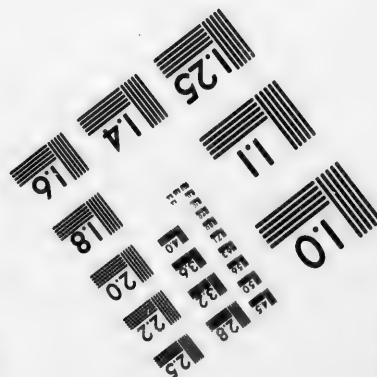
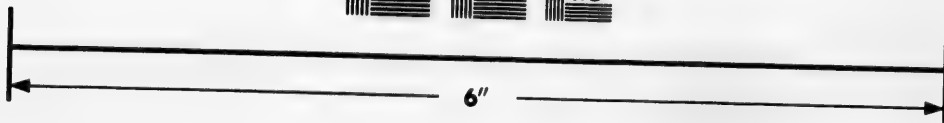
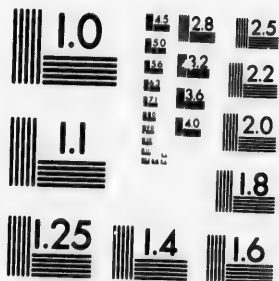


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**GENERAL STATEMENT of the Grants *en Fiefs et Seigneuries* and of those
en Roture in the Province of Lower Canada.**

DISTRICT OF GASPÉ.

NAMES OF SEIGNIORIES.	DATE OF THE GRANT.	QUANTUM OF ARPENTS.
Anse de l'Etang.....	20 September, 1679	7,056
* Bonaventure.....	23 April, 1679	56,448
* Cloridon.....	<i>No title.</i>	451,584
Grande Vallée des Morts.....	23 March, 1691	39,336
Grande Rivière.....	31 May, 1697	21,168
Grand Fobos.....	14 November, 1696	63,504
† Terra Firma of Mingan.....	25 February, 1661	436,456
Magdelaine.....	28 March, 1689	14,112
* Port Daniel.....	12 December, 1696	24,696
* Paspebiac.....	16 November, 1707	42,336
Shoolbred.....	4 July, 1788	8,168
	Total.....	1,163,864

ISLANDS IN SAID DISTRICT.

Ile of Anticosti.....	March, 1680	1,897,222
Isles et Ilets de Mingan.....	10 March, 1677	16,000
	Total.....	1,913,222

**SURVEYOR GENERAL'S OFFICE, }
Quebec, 31st July, 1805. }**

* Seigneuries re-united to the Crown under the Feudal Right "*droit de retrait*" by order of Governor Hope in 1784.

† Concession re-united to the Domain of His Majesty the King of France, under the ordinance of the 12th May, 1733.

[A true Copy.]

**DEPARTMENT OF CROWN LANDS, }
Quebec, 23rd May, 1882. }**

**E. E. TACHÉ,
Assist. Com.**

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QUANTUM OF ARPENTS.
7,056
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39,336
21,168
63,504
436,456
14,112
24,696
42,336
8,168
1,163,864

1,897,222
16,000
1,913,222

retrait" by order of
under the ordinance

SUPPLEMENT

To an address of the House, dated the 20th of May, inst., praying for a Copy of the Deputy Surveyor's report on the rights of the persons claiming to be Seigniors of the Main Land of Mingan, with the chart which accompanies it.

E. THEOD. PAQUET,
Secretary.

QUEBEC, 25th May, 1882.

**CHRONOLOGICAL ANALYSIS relating to the Concession of the 25th of February, 1661, called the Seigniory of
Isle aux Oufs (Egg Island.)**

AUTHORITIES.	YEAR.	REMARKS.
Index of the Seigniories and fiefs in Lower Canada, by the Honorable Christopher Dunkin	1661	25th of February.—Concession of the Seigniory of Egg Island made by la Compagnie de la Nouvelle France to François Bisot <i>de la Rivière</i>
Ordonnance, 12th May 1733, see Edits and Ordonnances, Vol. 2, Fols. 354-357, printed by order of the Legislative Assembly of Canada, in 1855.....	1668	11th of February.—Act of acknowledgement made to the Papier Terrier by the said Frs. Bisot, in which the above mentioned concession is set forth as follows: the said concession of Egg Island, situated below Tadoussac, &c., with the right of hunting and of establishing on the main land, wherever he would find it most suitable, stationary fisheries for seals, &c., and other traffic from the said Egg Island, as far as Seven-Islands, and in the Grande Anse, towards les Esqui- maux, where the Spaniards usually fish, with the security woods and lands to make the said settlement provided they pay, &c., &c.
Titles and documents printed by order of the Legislative Assem- bly, in 1852, fol. 421.....	1679	The words in italics showing the nature of the concession of the 25th of February, 1661, do not make any mention whatever of the territorial depth, whereas the right of fishing and hunting and to establish on the main land stationary fisheries in the most con- venient places is granted to the said Frs. Bisot, not only in the above mentioned limits of the concession but also in the place called Grande Anse, towards les Esquimaux. "The Grande Anse" according to the old Maps of the St. Lawrence, strictly speaking begins at the point called "Longue Pointe" at the mouth of the St. John's River on the East side, and ends towards the East at Mont Joli.
Titles and documents printed by order of the Legislative Assem- bly, in 1852, fol. 420.....	1680	10th of March.—Concession of the Islands and Islets of Mingan to Messrs. Lalonde & Son, and Louis Jolliet.
Declaration of the heirs Bisot, vol. 2, fol. 357.....	1681	10th of March.—Concession of the Island of Anticosti, to Louis Jolliet. Fire took place at the Lower Town, by which the title of concession was destroyed.

Acte de Notoriété in 1766, memorandum in print of G. O. Stuart...
Declaration of the representatives of the heirs Bisot...

1713

5th of January.—Fire took place at the Intendant's Palace and destroyed
the vaults which contained the registers.

1679	Titles and documents printed by order of the Legislative Assembly, in 1852, fol. 420.....	1713	5th of January.—Fire took place at the Intendant's Palace and destroyed the vaults which contained the registers.	1680	10th of March.—Concession of the Island of Anticosti, to Louis Jolliet.	1730	Burning of the Intendant's Palace, in which it is supposed the title was destroyed.	1681	Fire took place at the Lower Town, by which the title of concession was destroyed.	1732	12th of April.—Abandonment, in writing, of the Bisot co-heirs, defendants and intervening parties, of the land conceded to the said late Frs. Bisot, the 25th of February, 1661, from Egg Island, as far as River Moisy.	1733	2nd of May.—Ordonnance of the Intendant Hocquart, in relation to the disorders which took place at Mingan Post.	1733	12th May.—Conclusion of the King's Attorney General, and the land thus conceded to the said Sieur Bisot, re-annexed to His Majesty's Domain. The said defendants, &c., and all others forbidden to fish, hunt, traffic, or settle throughout the extent of land thus re-annexed to His Majesty's Domain.	1736	23rd of May.—Treaty of Tadoussac commonly called "Poste du Roi," and granted to the said Frs. Bisot re-annexed to the King's Domain, from and including the said Egg Island as far as "Pointe des Cormorans" which is five or six leagues below the River Moisy.	1736	2nd May.—The judgment rendered by the Intendant Gilles Hocquart, &c., upon the petition of the seigniors and the farmer of the seignior on the main land of Mingan, also called "Mingan Post" shows that there existed at that time settlements or concessions for stationary fishing and trading with the Indians, at the place commonly called "The coast of Labrador." In fact, the following concessions show that all the coast of Labrador, from the river Kegashka as far as and beyond the bay at "Blanc Sablon," including the Esquimaux and Philippeaux Bays" was granted in concessions, to different parties, and that several of these renewed concession expired only after the session of Canada by the treaty of Paris in 1763.	1702	17th of October.—Concession to Sieur LeGardeur for 10 years, from the river Kegashka to the river Kesee-A-Kion, including the Esquimaux River.	1720	7th of October.—Concession to Sieur Lavaltrie at a place called "St. Augustine River," for life.
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CHRONOLOGICAL ANALYSIS relating to the Concession of the 25th of February, 1661, called the Seigniory of Egg Island.—Continued.

AUTHORITIES.	YEAR.	REMARKS.
Concessions by the Governors and Intendants, Hocquart, &c.,	1733	1st September.—Concession to Sieur de la Fontaine for 9 years, between the river Iamamion and Mantagomion.
.....	1738	2nd May.—Concession to Sieur J. B. Pommereau for 10 years, at a place called "Gros Mécatinat."
.....	1739	30th September.—Concession to Sieur J. B. Pommereau for 9 years, at a place called "River Chekanion."
.....	1740	15th of January.—Concession to Sieur Vincent at a place called "Little Mécatinat."
.....	1748	15th November.—Concession to Sieur Jacques Bréart, Contreleur, and Guillaume Estéle, the same concession as that granted to Sieur Pommereau.
.....	1749	1st of May.—Concession to Sieur Croiselle de Montesper, Sieur Daniel de Beaujeu and Guillaume Estéle, continuation of the concession granted to Sieur Pommereau.
.....	1749	20th September.—Concession to the widow Fernet at a place called "Esquimaux Bay," for 12 years.
.....	1750	20th of April.—Concession to Sieur Cheron for 9 years, each side of St. Augustin River.
.....	1750	19th of October.—Concession to Sieur de la Fontaine for 15 years, at a place called "Apitipi," or "Chicoteam," between the concession of St. Augustin Post and that of Sieur de Brouague.
History of Canada by F. X. Garneau.....	1759	18th September.—Capitulation of Quebec to General Townshend.
Royal Proclamation.....	1763	7th of October.—The province of Quebec is bounded on the east by the river St. John. All that part of Canada on the Labrador coast, from the said St. John's river as far as the Hudson straits along with the islands of Anticosti, &c., and all the islands situated on the said coast, remain under the care and inspection of the Governor of Newfoundland. Mingan Post being situated at 134 miles to the east of St. John's river, it is consequently situated outside of the limits of the said province of Quebec.
Imperial Act 14 Geo. III, C. 83.....	1774	All the territories and islands in America, which, in virtue of the Royal Proclamation of 1763, formed part of the province of Newfoundland, are annexed to the province of Quebec. Mingan Post, as well as the

No. 78, folio 355, Act not signed by the Governor or Receiver General, &c., nor by the clerk of the Papier Terrier as it is customary to do, but instead, as a *Folia Bene*. "Remitted on request of Messrs. Chabert and Lacombe."

concessions on the Labrador coast, granted by the King of France, to establish stationary fisheries are by this Act placed within the limits of the province of Quebec.

No. 78, folio 355, Act not signed by the Governor or Receiver
 General, &c., nor by the clerk of the Papier Terrier as it is
 customary to do, but instead, as a *Nota Bene*. "Remitted on
 request of Messrs. Cugnet Nicholas, Joseph, and Frs. de la
 Fontaine, Grant and Dunn, a certificate of their presentation
 for *foi et hommage*, this day at four in the afternoon, the 28th
 of May 1781."

(Signed) J. A. CUGNET, G. P. T.

1781

1774

All the territories and islands in America, which, in virtue of the Royal
 Proclamation of 1763, formed part of the province of Newfoundland,
 are annexed to the province of Quebec. Mingan Post, as well as the

concessions on the Labrador coast, granted by the King of France,
 to establish stationary fisheries are by this Act placed within the
 limits of the province of Quebec.

28th of May.—Act of fealty and homage at the request of His Excel-
 lency, Frederick Haldimand, Captain General and Governor General
 of Frs. Joseph Cugnet, Esq., Nicholas Joseph, and Frs. Lafon-
 taine de Belcourt, Thomas Dunn and William Grant representing
 the late James Louis Jolliet and Bisot de la Rivière, praying us
 that we be pleased to admit them to fealty and homage for the
 three fields of the islands and islets of Mingan, of the island of An-
 costi, and of the main-land commonly called "Mingan Post, &c."
 "As to the fief and seignior of the main-land of Mingan the said
 "appears have declared unto us that this seignior begins at the
 "Cape "des Corps Morts," (Cormorants) on the north coast, as far as
 "la Grande Anse towards les Esquimaux, where the Spaniards used
 "generally to fish, by a depth of two leagues which was conceded by
 "the company on the 25th of February, 1661, to Sieur Frs. Bisot de
 "la Rivière, whose title has been lost."

It is well to remark here that the act of acknowledgement of the said
 Sieur Bisot, of the 11th February, 1668, does not make any mention of
 the depth. The said concession called the Seignior of Egg Island, gave
 to the Sieur Frs. Bisot the right only of hunting and fishing, and to
 establish on the main-land, stationary fisheries with the woods and land
 necessary to make the said settlement. This last provision of the said
 concession confirms the conclusion above made, that the said concession
 of the 25th of February, 1661, otherwise called *Concession of the Seignior
 of Egg Island* gave to the grantee Bisot no right whatever to possess
 territorial property, excepting the land necessary to establish the sta-
 tionary fisheries, with the required amount of timber for the establish-
 ment and maintenance of said settlement.

The said declaration also clearly establishes that at the time of the
 requisition of the Bisot representatives, the Bisot heirs, defendants and
 intervening parties, had not taken "new title," (*titre nouveau*) as the
 Intendant Hocquart had advised them to do, without any doubt, as Mr.
 Stuart says in his memorandum, "for reasons best known to themselves."

Now, in virtue of what title or authority have the parties to the act
 of fealty and homage (not authenticated) given to the said concession
 a depth of two leagues? Which is no where found in the declaration
 of the said Frs. Bisot de la Rivière, contained in his act of acknowl-
 edgement of the 11th February, 1668, which has been invoked in this
 memorandum as a title upon which the Richardson heirs base their
 claims to a million and a half of acres of the public domain.

CHRONOLOGICAL ANALYSIS relating to the concession of the 25th of February, 1661, called the Seigniory of Egg Island.—*Continued.*

AUTHORITIES.	YEAR.	REMARKS.
Official document on record in the Department of Crown Lands, the remittance of which to the clerk of the Council by letter from the Honorable Samuel Holland and John Collins is found mentioned in one of the volumes of the titles and documents printed on an address from the House of Assembly in 1852, intitled "Documents obtained from the archives of the Colonial and Marine Department at Paris, by the late Mr. Faribault in 1851....."	1790	25 September.—List of the concessions <i>en seigneuries</i> and <i>volures</i> granted by the French Government in Canada, (signed) Samuel Holland, Surveyor-General, and John Collins, Deputy Surveyor General, both members of the Executive Council, under the administration of His Excellency, Lord Dorchester, in council, with the Honorable Thomas Dunn, Receiver General, William Grant, Deputy-Receiver-General, and the Count Dupré, co-proprietor of the fiefs and seigniories of the islands and islets of Mingan, the island of Anticosti and the main-land of Mingan. The concessions of the fiefs and seigniories of the islands and islets of Mingan and those of the island of Anticosti are therein found inserted, but that of the main-land of Mingan or that of the 25th of February, 1661, are not comprised in that number. This omission is neither accidental nor a clerical error, as amongst the extracts of the title of the concessions of all the seigniories of Canada, deposited by the Provincial Secretary, Sir George Fownd, by order of Lord Dorchester, in the office of the Surveyor General, the extract from the title of the concession called "The Seigniory of the main-land of Mingan" is not to be found amongst them. This concession is not found either, in the volume of the titles and documents printed in reply to an address from the House of Assembly, in 1852, as the index of the Honorable Christopher Dunkin, certifies (and which is prepared with every possible care) in relation to the question of the Seigniorial Tenure. There does not seem moreover to have been then made by the above mentioned co-proprietors any remark or representation with respect to the omission in question, although it concerns, according to the claim of the Richardson heirs, an extent of territory on the Labrador coast, of about one million and a half acres, or about the eighth part of the whole territory granted in concessions or seigniories, in Canada, according to the list above mentioned.

Official extracts from the titles of the fiefs and Seigniories situated in the Province of Quebec on record in the Department of Crown Lands.

certifies (and which is prepared with every possible care) in relation to the question of the Seigniorial Tenure. There does not seem moreover to have been then made by the above mentioned co-proprietors any remark or representation with respect to the omission in question, although it concerns, according to the claim of the Richardson heirs, an extent of territory on the Labrador coast, of about one million and a half acres, or about the eighth part of the whole territory granted in concessions or seigniories, in Canada, according to the list above mentioned.

Proclamation of His Excellency General Sir Alured Clarke,..... 1791

This official list is on record in the office of the Crown Lands, amongst the documents of the aforesaid office of the Surveyor General. It is not signed by Joseph Bouchette, then Surveyor General of the said Province and recently returned from England. This document seems to have been partly executed by Wm. Vondenvelden Esq., and Richard B. Hay, the deputies of the Surveyor General during his absence, and bears the date of the inauguration of the Honorable Thos. Dunn as administrator of the Province,..... 1805

18th November.—The province of Quebec in virtue of the Imperial Act, Geo. 3, chap. 34, is divided into two provinces, namely: the province of Upper and province of Lower Canada.

All the seigniorities enumerated in the list already mentioned with the exception of the seigniority of l'Original, on the Ottawa river, are included in the limits of Lower Canada.

31st July.—List of the seigniorities and fiefs granted *en seigniories* and *en roture* in Lower Canada.

The concession of the 26th February, 1661, under the name of the *Terra firma* of Mingan, is found to have been brought over into the column of the seigniorities, situated in the district of Gaspe; several of which have been re-annexed to the domain of the Crown in virtue of the right of *retrait* under the feudal system, exercised by the Hope Government, in 1784. In the third and last column, having for a heading "quantum of acres," are found the figures "436,436 acres." Of this width for the said concession of about 31 leagues linear measure on the coast of the St. Lawrence river, which width extending from the Cape Cormorant, the western limit according to the act (not authenticated) of the 28th May, 1781, and descending the St. Lawrence river towards "les Esquimaux," would attain the river and the gulf of St. Lawrence, "Clear water Point, in longitude 63° 25'." The said point forming the western extremity of "la Grande Anse," where the Spaniards usually fished and otherwise the bay called "l'Anse des Espagnols" or "l'Anse aux Basques," which ends towards the east at the Natashquan point: the river Natashquan included as indicated by the map of Sieur Jolliet, dedicated to Mr. Colbert by Duchesneau, Governor and Intendant of New France, in 1680. "Clear water Point" is situated at about 20 leagues above the river Aguanus, shown on Admiral Bayfield's chart and otherwise called on the geographical map of Colonel Bouchette, published in 1815, "Goyinish" and in schedule No. 108 of the commissions of the Seigniorial Tenure, dated the 24th of January, 1864, "Goyinish," which has been deposited in accordance with the 68th clause of the 37th chapter of the Consolidated Statutes for Lower Canada, and is on record in this office.

The aforesaid "quantum of acres," inserted in this list which is considered to have been made by Wm. Vandervelden, Louis Charland, J.-Bte. Duberger and Richard B. Hay, Surveyors of the Surveyor General at that time assistants, in the office and until the reorganization of this office by order of the Governor Sir James H. Oulif, in 1806, is based on

CHRONOLOGICAL ANALYSIS relating to the concession of the 25th of February, 1661, called the Seigniority of Egg Island.—Continued.

AUTHORITIES.	YEARS.	REMARKS.
Imperial act 49 Geo. III, ch. 27.	1809	the description contained in the extract of the concession of the 25th of February, 1661, and mentioned in the appendix to the "Topography" of Colonel Bouchette, in 1815, which description is an exact copy of that which has been published in the table or official report, by Mr. Vandenvelde, in 1803, referred to by G. O. Stuart, Esq., in his memorandum, in support of the claim of the Richardson heirs. This table has no importance except in so far as it indicates the eastern limit "of the right of hunting and fishing," which the said concession of the 25th February, 1661, mentions.
Topography of the Province of Lower Canada, page 558, and Topographical Dictionary, and the 2nd Volume "Bouchettes Dominions," published in London, by Joseph Bouchette, Esq., Surveyor General.	1815 and 1832	All that part of the province of Lower Canada, situated on the north shore of the St. Lawrence river and gulf is called "the coast of the Labrador," to the east of the St. John's river the island of Anticosti, the Magdalen islands and the islands in front of the said coast are re-annexed to the province of Newfoundland. The post "at the place called Mingan," as well as the concessions for stationary fishing situated below the river Kechaska which includes Esquimaux Bay and Philippeaux Bay, are found outside of the jurisdiction of the said province of Lower Canada. In the text of these works the seigniority of the main-land of Mingan, granted the 25th February, 1661, to Sieur Frs. Bisset de la Rivière, extends from Cape Cormorant, along the Labrador channel as far as the Gornish river without any mention of depth. The description of this concession as inserted in the extracts (Register of fealty and homage, fol. 355) which contain these works, precisely agree with these data in the act of fealty and homage of the 25th of May, 1781, vol. 146, fol. 355 (not authenticated).
Imperial act 6 Geo. IV. chap. 59.	1823	All that part of the province of Lower Canada, heretofore annexed to the province of Newfoundland is re-annexed to the said province of Lower Canada together with the island of Anticosti, the islands and islets in front of the coast of Labrador. This latter province should by this act, extend from the St. John's river, descending the St. Lawrence as far as "Anse au Sablon" inclusively. Mingan post and its dependences are thus incorporated in the limit of the province of Lower Canada.

1823

agree with these data in the act of fealty and homage of the 25th of May, 1781, vol. 186, fol. 355 (not authenticated).

All that part of the province of Lower Canada, heretofore annexed to the province of Newfoundland, is resumed to the said province of Lower Canada together with the island of Anticosti, the islands and islets in front of the coast of Labrador. This latter province should by this act, extend from the St. John's river, descending the St. Lawrence as far as "Anse au Sablon" inclusively. Mingan post and its dependences are thus incorporated in the limits of the province of Lower Canada.

Printed Memorandum c.

Stuart, Esq.

1837

19th October.—Fealty and homage rendered by Messrs. Greenshields and Keir to His Excellency Lord Gosford, "saving the rights of the Queen."

Schedule No. 108, made by Henry Jullab, Esq., commissioner, and deposited in the office of the Crown Lands, in accordance with the dispositions of the "Seigniorial Tenure Act, 1864....

1864

The declaration of the appearers in relation to the concession of the 25th of February, 1661, is precisely similar to that contained in the act of fealty and homage of the 25th of May 1781 (not authenticated).

23rd January.—According to the schedule, the seigniory of Mingan, or main-land of Mingan, possessed by the heirs Richardson, would contain 50 leagues in front by two leagues in depth in starting from Cap Cormorant to the river Goyvish, forming a superficies of 705,400 acres.

DEPARTMENT OF CROWN LANDS, }
Quebec, 30th July, 1868.

Prepared by Request of the Honorable the Commissioner of Crown Lands.

[True Copy.]

DEPARTMENT OF CROWN LANDS, }
Quebec, 25th May, 1882.

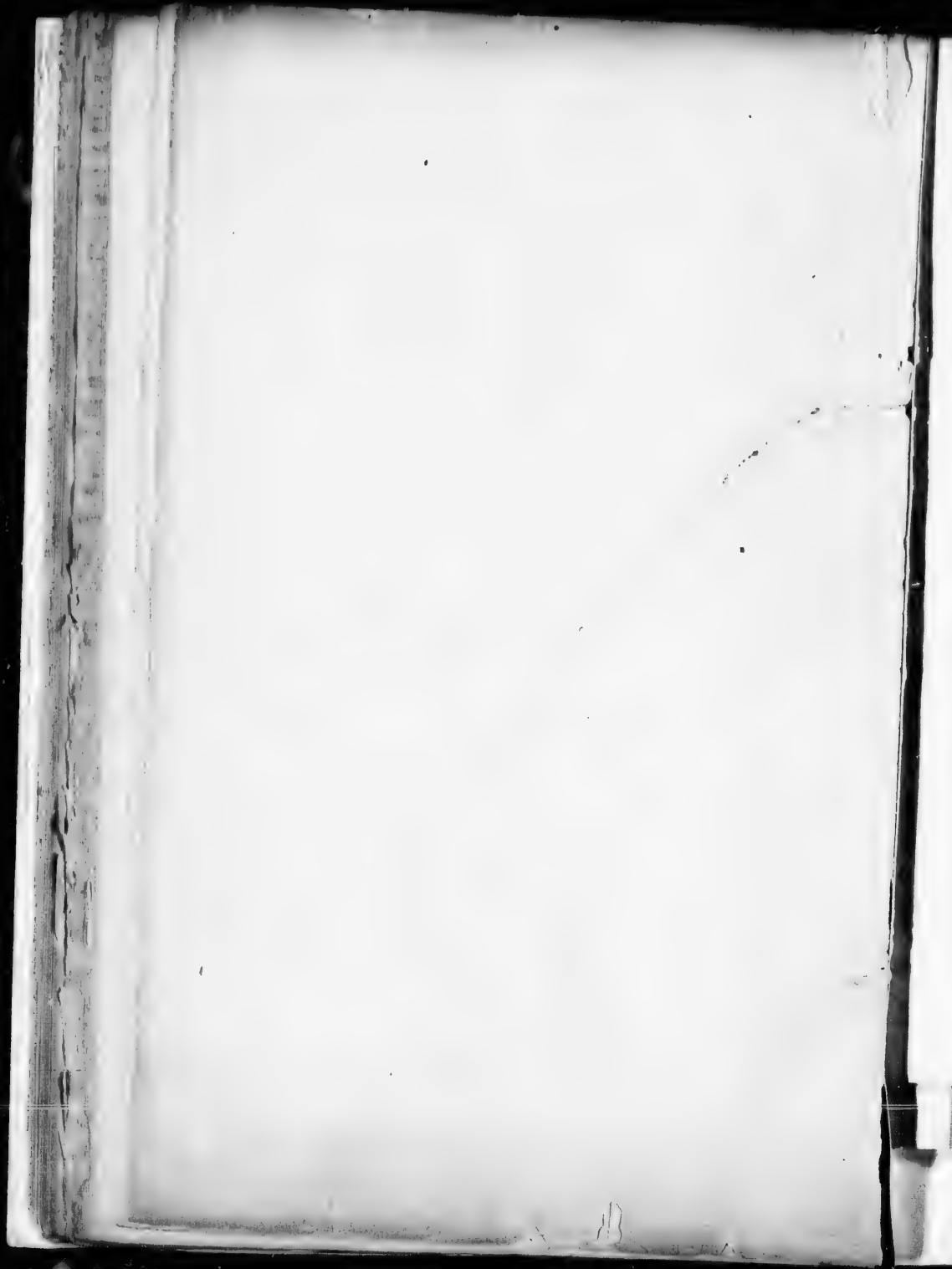
(Signed)

JOSEPH BOUCHETTE,

Deputy Surveyor General.

E. E. T. H. E.

Assist. Com.



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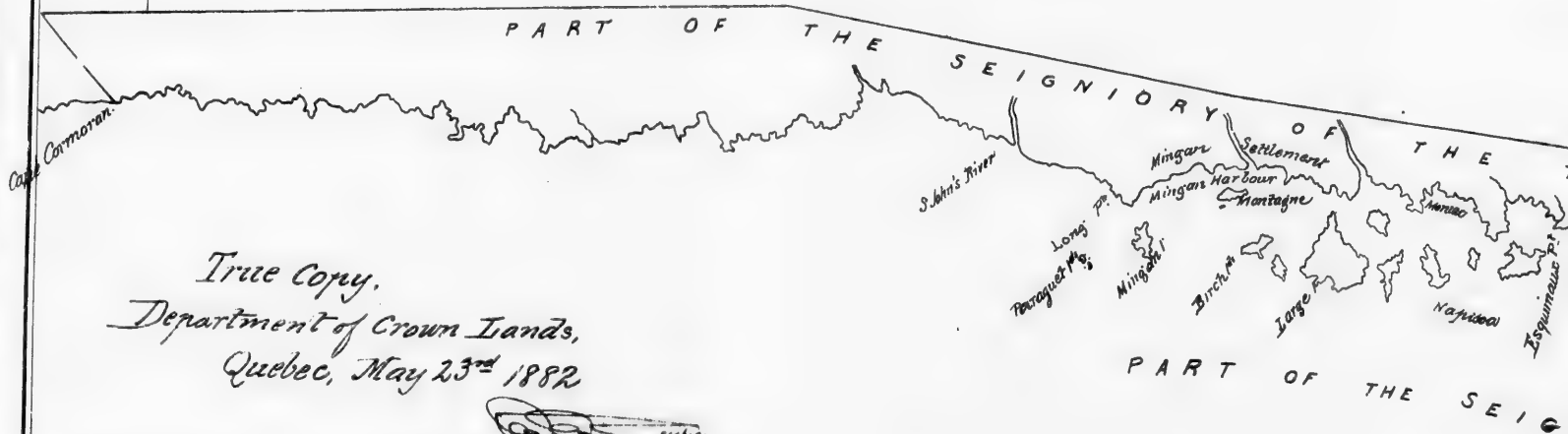


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True Copy.
Department of Crown Lands,
Quebec, May 23rd 1882


Asst. - Commissioner.

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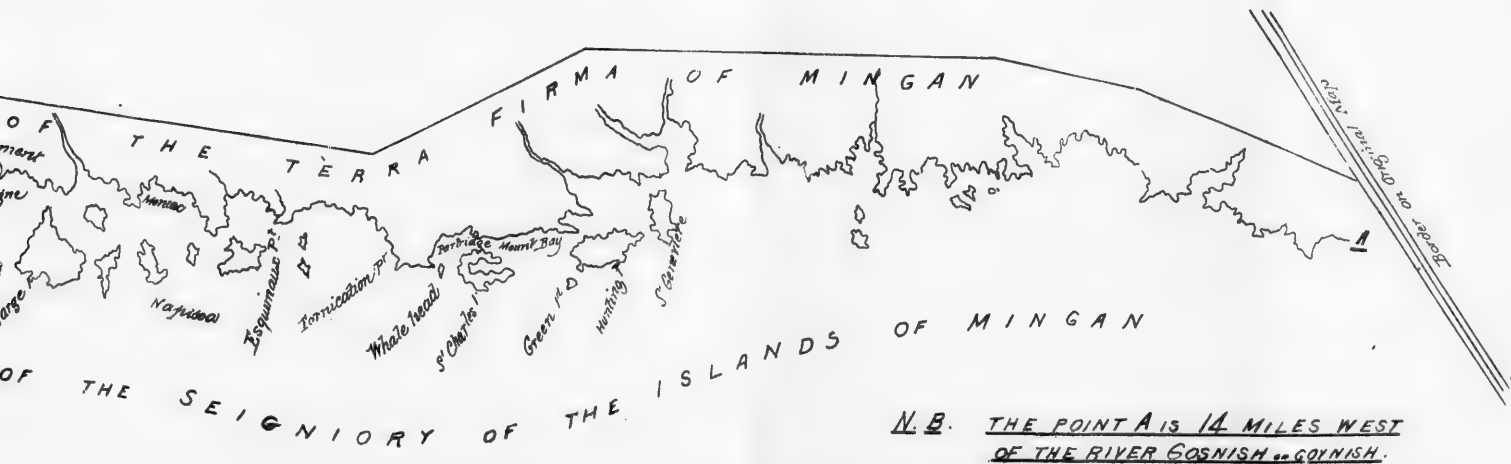
OF PART OF A MAP OF

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by W. Vonderwelden & L. Charland

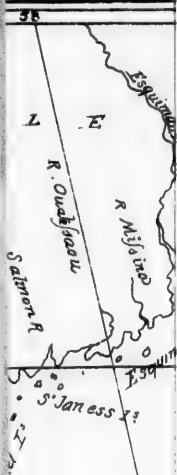
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GEO E. DESBARATS & C^o PHOTO-LITH., MONTREAL.





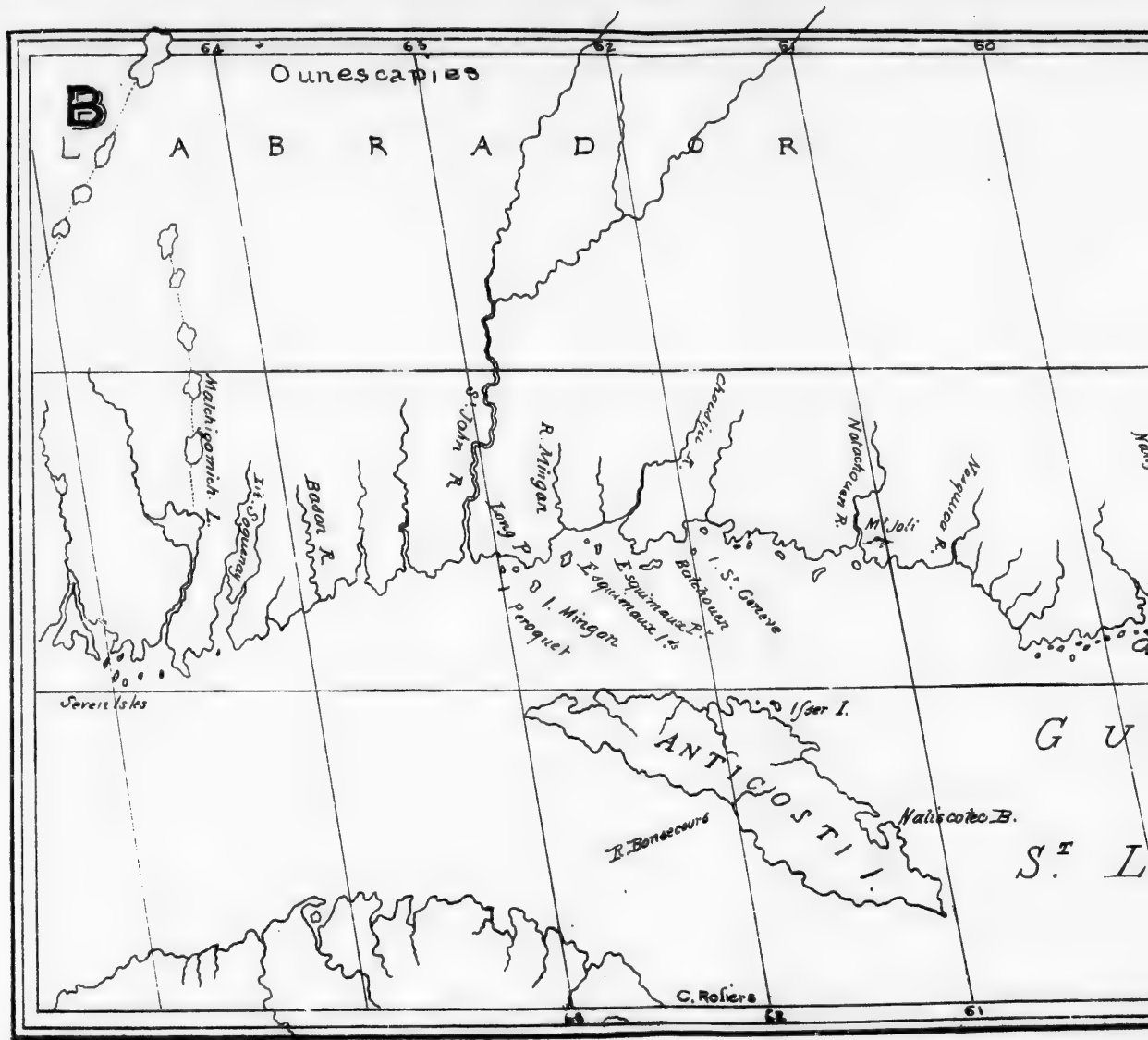
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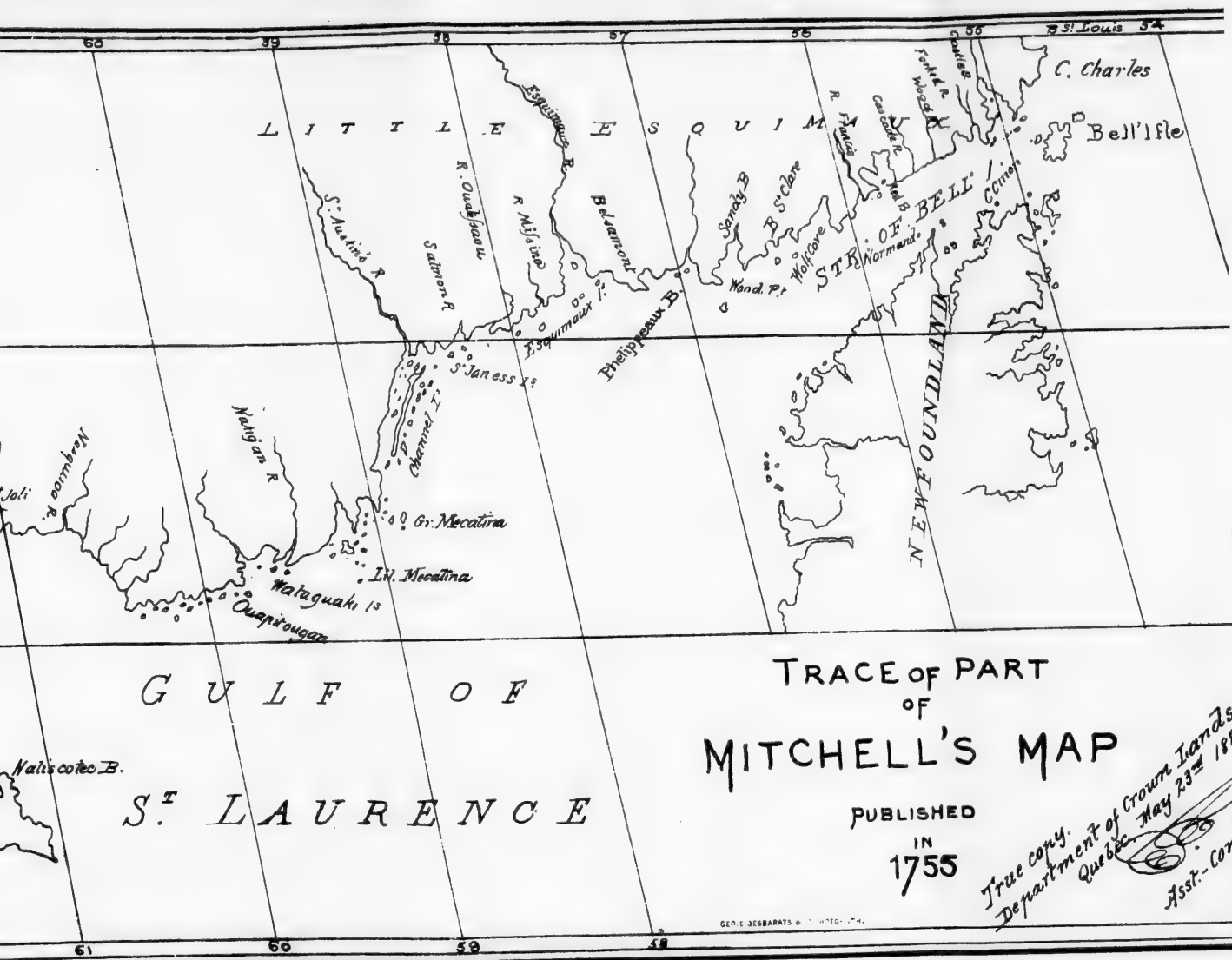
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Asst. Commissioner

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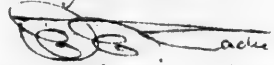
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True copy.
Department of Crown Lands.
Quebec May 23rd 1882


Asst. Commissioner.


Asst. Commissioner.

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GEO. E. DESBARATS & CO. PHOTO-LITH

Asst. Commissioner.

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True copy.
Department of Crown Lands
Quebec, May 23rd 1882


Asst. - Commissioner.


Asst. Commissioner.



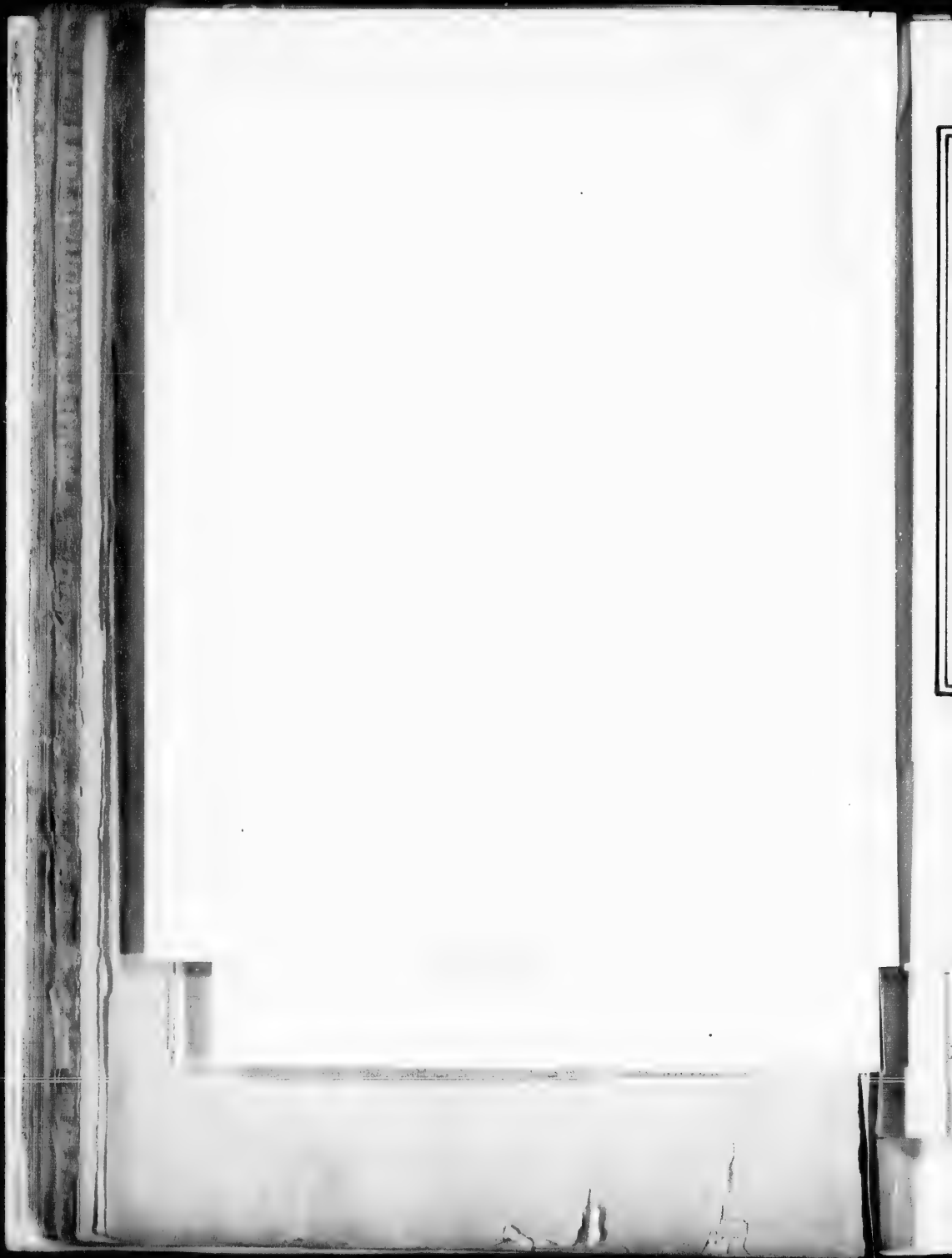
COPIE D'UNE PARTIE
DE LA
CARTE GÉNÉRALE
DE LA
FRANCE SEPTENTRIONALE
contenant la découverte du
pays des
ILLINOIS
par le
- Sieur de Jolliet -

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Asst. Commissioner

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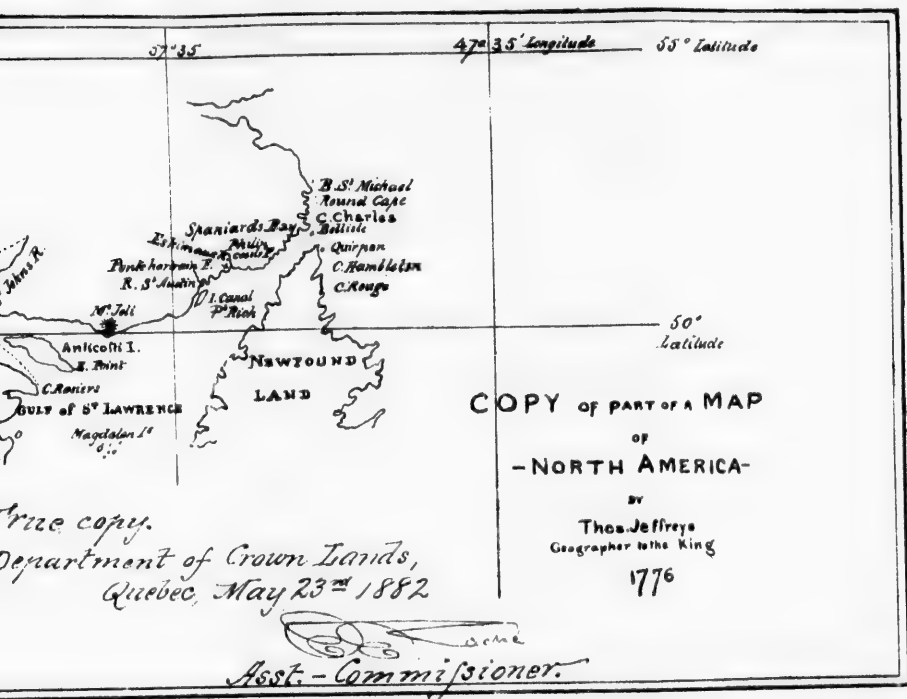
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Department of Crown
Quebec, May

GEO. S. DESBARATS & CO. PHOTO-LITH.

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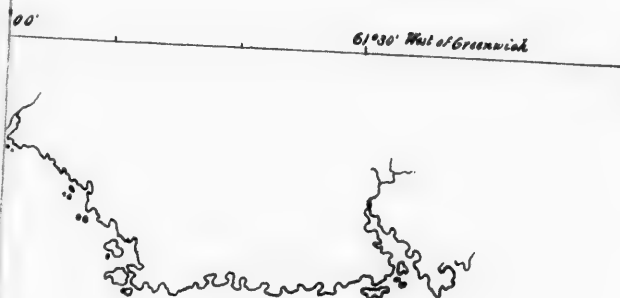
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Ass't - Commissioner.





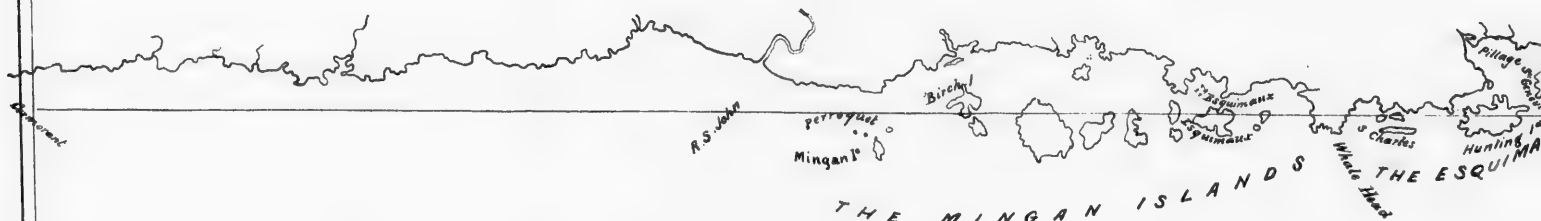
COPY OF PART OF MAP
OF THE
Gulf of S' Lawrence
by
J.F. De Barres
in 1780



Geo. & Desbarats & Co. "G-LITH


Asst. - Commissioner.

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*True copy.
Department of Crown Lands,
Quebec May 23rd 1882*

[Signature]
Asst. - Commissioner.

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Asst. - Commissioner.

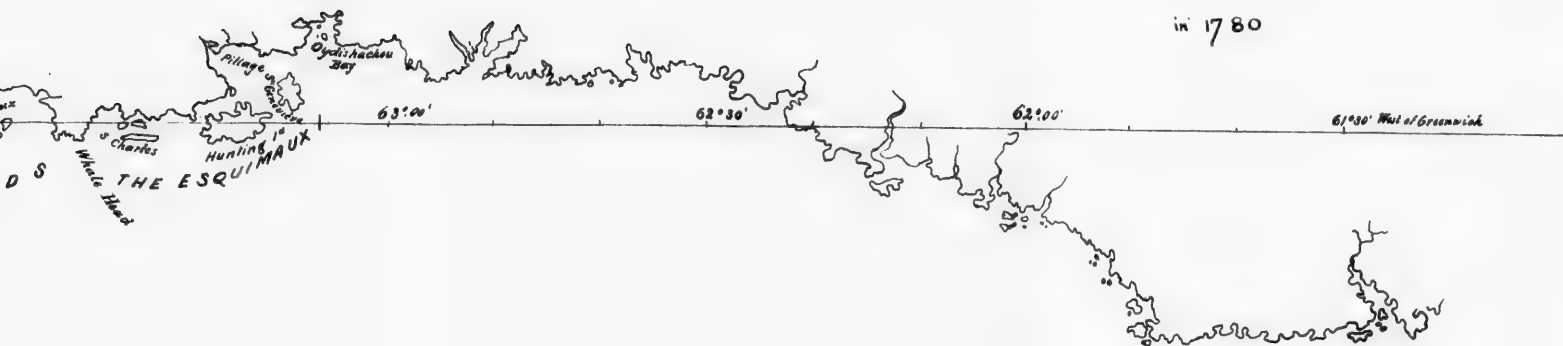
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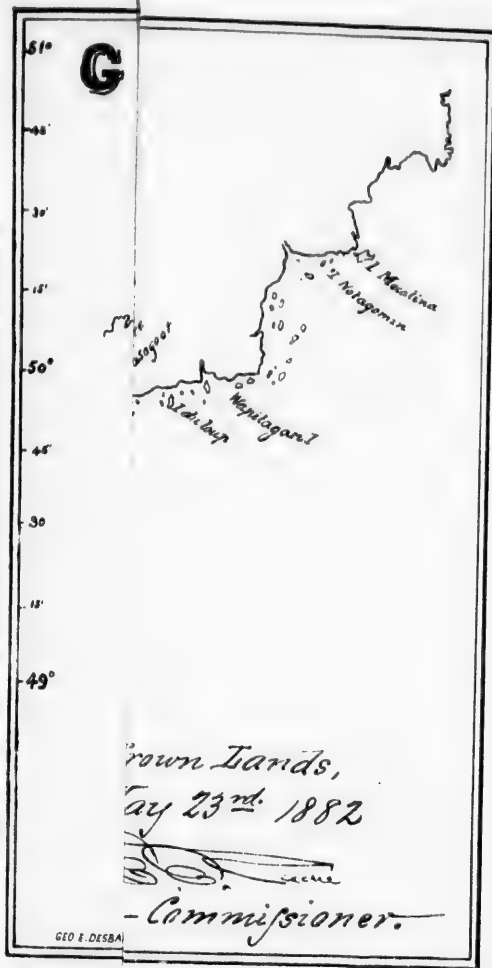
by

J.F. De Barres

in 1780







[Signature]
Asst. - Commissioner.

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COPIE DE PARTIE D'UNE CARTE
PUBLIÉE PAR ORDRE DU ROI DE FRANCE

SOUS LE MINISTÈRE
de M. le Maréchal de Castries

EN
1784

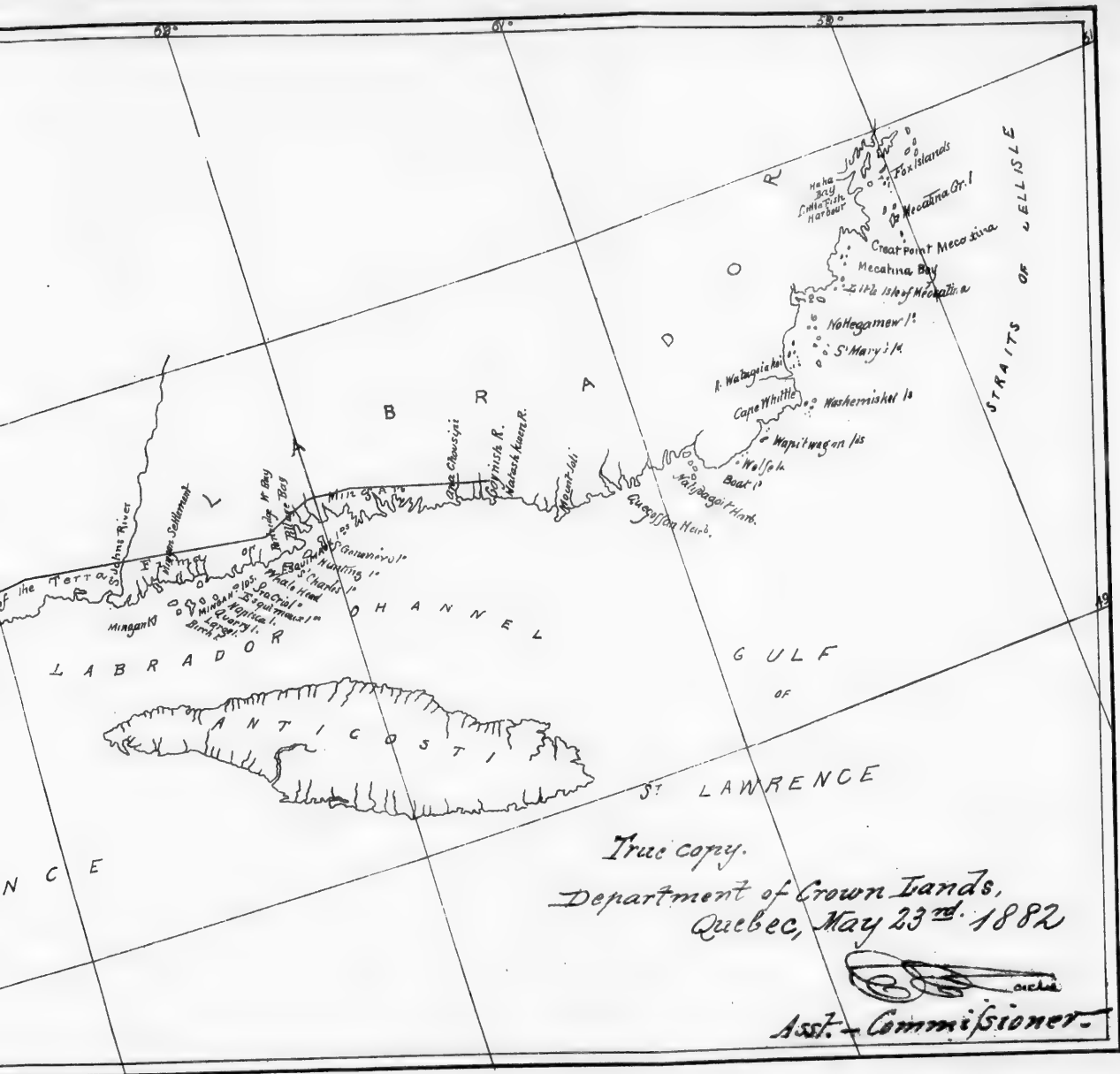
GEO. E. DESBARATS & C^{ie} PHOTO-LITH.

Asst. Commissioner.

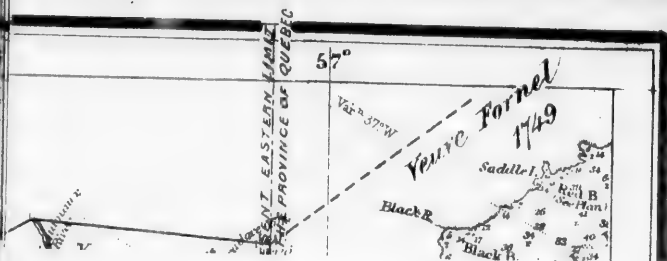


COPY OF PART
OF
L. Colonel Bouchette's Map
OF
CANADA
published in
1815









70°

69°



NORTH AMERICA - EAST COAST

GULF OF ST. LAWRENCE AND THE RIVER TO QUEBEC

SURVEYED BY CAPTⁿ BAYFIELD & ORLEBAR, R.N.NEWFOUNDLAND FROM THE SURVEYS OF COOK, LANE, & BULLOCK
with additions from the Surveys of Captⁿ Orlebar & Staff Com^d Kerr.

The outer banks are principally from the French Charts.

Current Flood Ebb

Ka. Knots, Sp. Neap, Sp. Spring Tides.

F. Fixed Fl. Flashing Rev. Revolving lights T. St. Telegraph Station, T. S. St. Telegraph

B. Bay, C. Cape, H. Head, W. Harbour, H.B.C. Hudson Bay Company's, I. Island, F. Fort, M. Point

cl. clay, crl. coral, g. gravel, m. mud, r. rock, s. sand, sh. shells, st. stone

b. brown, bk. black, lsk. broken, c. coarse, f. fine, gn. green, rd. red, w. white

Magnetic Variations for 1871.

SOUNDINGS IN FATHOMS

The annual decrease in 1871 appears to be about
4 in the R. St. Lawrence, 2 on the Coast of Nova
Scotia and in the Gulf of St. Lawrence, and stationary
or probably decreasing a little, on the coast of
Newfoundland and Atlantic coast.

See also the various larger scale charts
and plans of the Gulf and River St.
Lawrence published by the Admiralty.

SHEPHERD & CO. PRINTED BY

50°

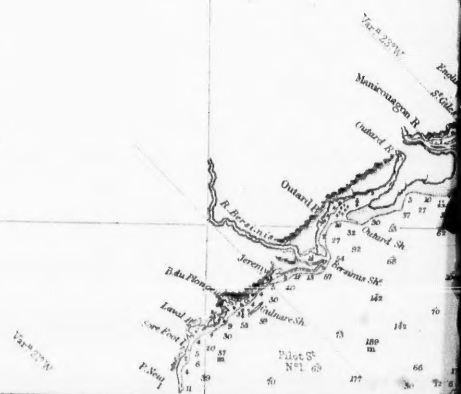
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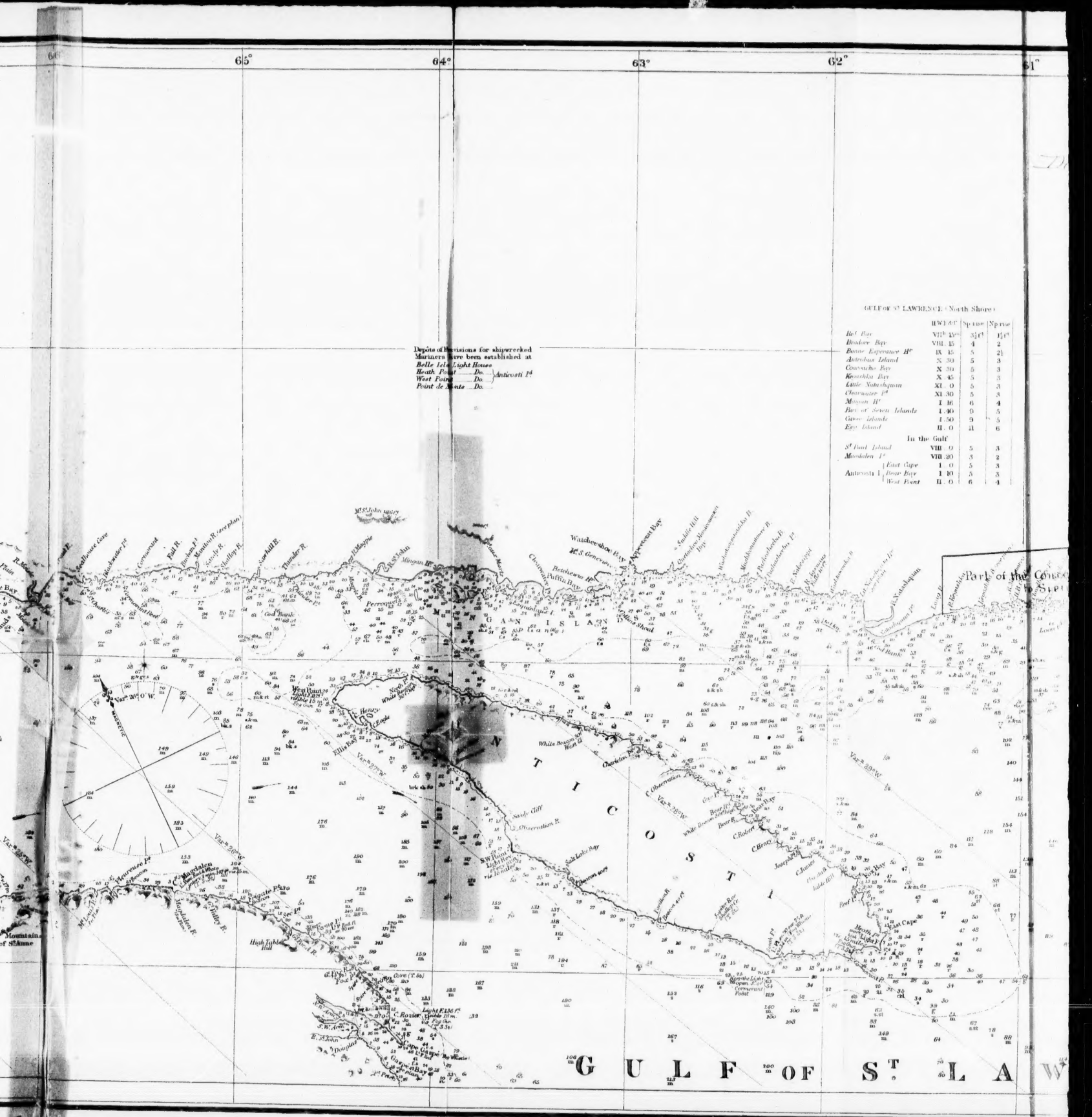
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ST. LAWRENCE R.

W. FAC.	Sp. rise	Sp. rise
H. 07	12 1/2	6 1/2
H. 15	11	7
H. 0	12	7
H. 15	14	8 1/2
H. 15	17	10
H. 25	17	10
H. 25	19	13





Depth observations for shipwrecked
Mariners have been established at
Belle Isle Light House
North Point — Do — Anticosti 14
West Point — Do —
Point de Mont — Do —

	LOWE	SPRUE	SPRUE
Bel Bay	VIII 150	31 1	11 1
Bellefleur Bay	VIII 15	4	2
Bellefleur Bay	IX 15	5	2
Anticosti Island	X 30	5	3
Anticosti Bay	X 30	5	3
Anticosti Bay	X 45	5	3
Little Anticosti	XI 0	5	3
Anticosti 14	XI 30	5	3
Anticosti 14	I 10	6	4
Anticosti 14	I 40	0	5
Anticosti 14	I 50	0	5
Anticosti 14	II 0	11	6
In the Gulf			
St. Paul Island	VIII 0	5	3
Anticosti 14	VIII 30	3	2
Anticosti 14	I 0	5	3
Anticosti 14	I 10	5	3
Anticosti 14	II 0	6	4

64° 63° 62° 61°

True copy.
Department of Crown Lands
Quebec, May 1891
Asst. Comm.

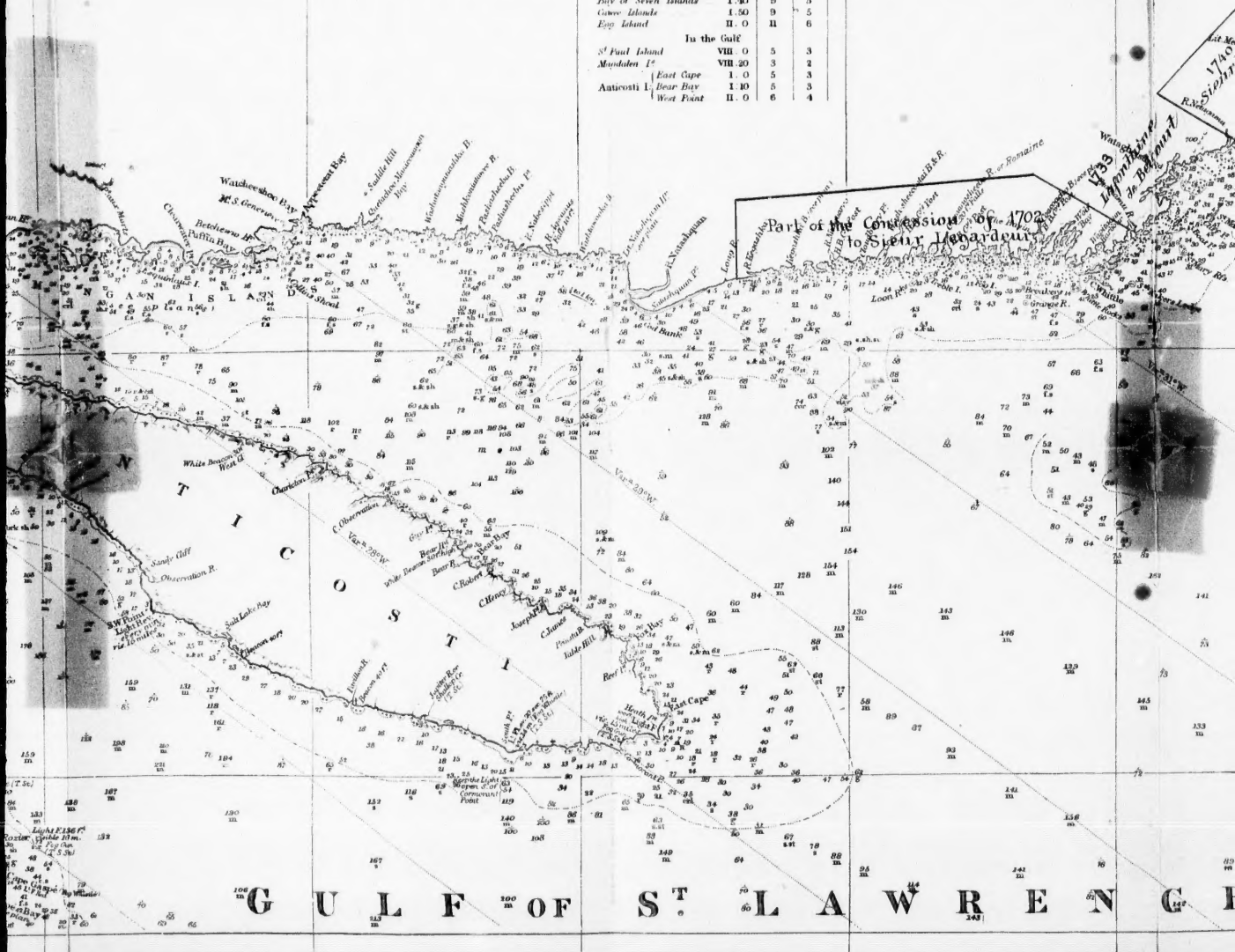
points of provisions for shipwrecked
sailors have been established at
elle Isle Light House
North Point Do Anticosti Ist
Fort Front Do
Point de Monte Do

GULF OF ST LAWRENCE (North Shore)

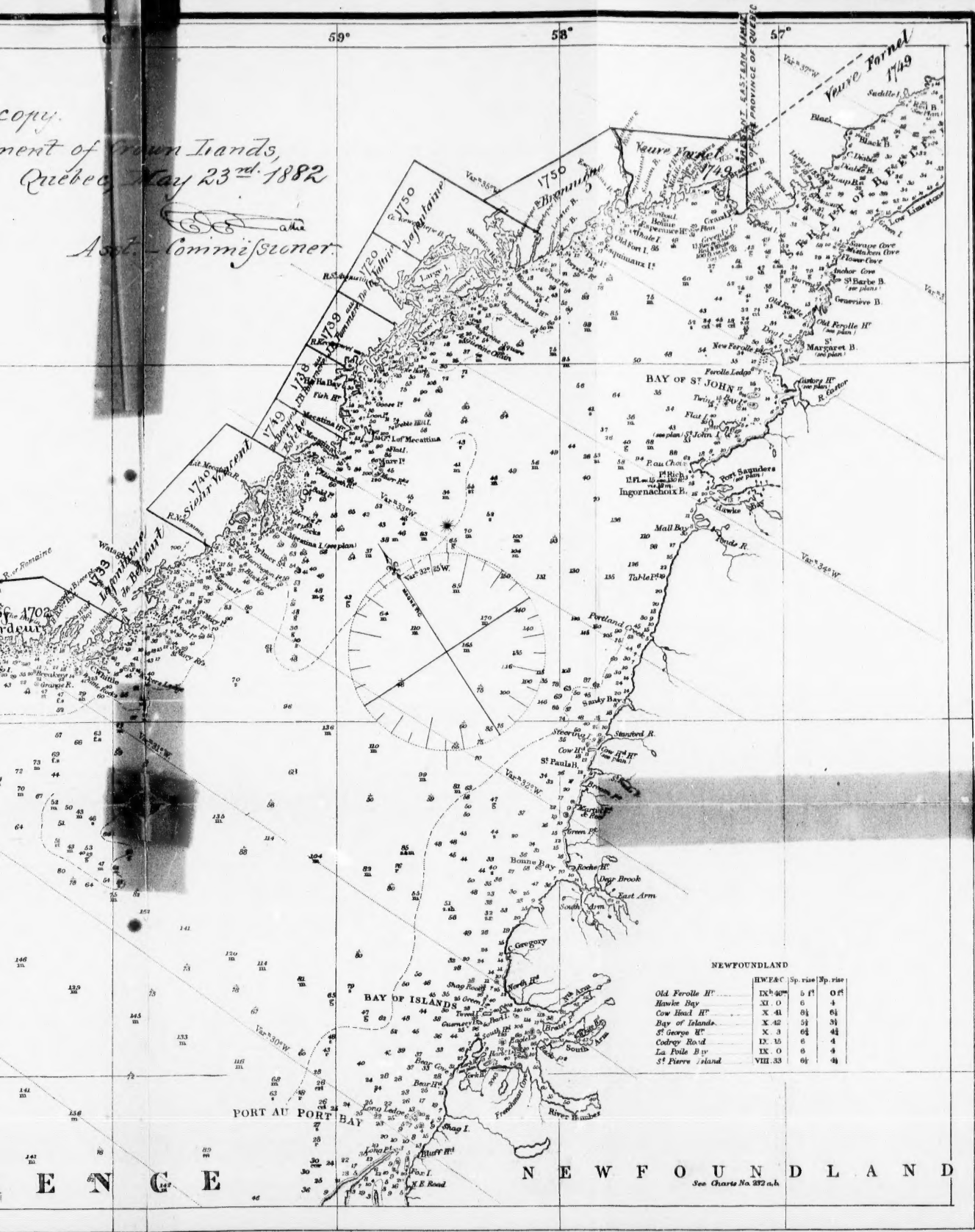
	WATER	Spurse	Spurse
Islet Bay	VIII 45	3 1/2	1 1/2
Eschere Bay	VIII 45	4	2
Bonne Esperance I st	IX 15	5	2 1/2
Anticosti Island	X 30	5	3
Couache Bay	X 30	5	3
Keosauke Bay	X 45	5	3
Little Missequan	XI 0	5	3
Cherwin I st	XI 30	5	3
Mingan I st	I 16	6	4
Bay of Seven Islands	I 40	9	5
Cape Islands	I 50	9	5
Eggs Island	II 0	11	6

In the Gulf

S ^t Paul Island	VIII 0	5	3
Moulton I st	VIII 20	3	2
East Cape	I 0	5	3
Anticosti I st	I 10	5	3
West Point	II 0	6	4



copy.
 ment of Crown Lands,
 Québec, May 23rd 1882
 Asst. Commissioner.



NEWFOUNDLAND

	H.W. & C.	Sp. rise	Sp. rise
Old Fortelle H ^o	IX 40	5 f	0 f
Hawke Bay	XI 0	6	4
Cow Head H ^o	X 41	6 1/2	6 1/2
Bay of Islands	X 42	5 1/2	5 1/2
St. George H ^o	X 3	6 1/2	4 1/2
Codroy Road	IX 15	6	4
La Foulle Bay	IX 0	0	4
St. Pierre Island	VIII 33	0 1/2	4 1/2

See Charts No 372 a,b